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SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 March 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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The meeting was called to order at 10 20 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

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1. Mr. GALLON (Special Representative of the Commission on the situation of human rights in Equatorial Guinea) said that he had been appointed to the post in August 1999 and had made his first visit to Equatorial Guinea in November 1999. He wished he could say that the situation in Equatorial Guinea had improved but, like his predecessors, he had found people who had been systematically detained without the orders of a judicial authority, despite the fact that the previous special rapporteurs had recommended that such abusive practices be halted. Conditions in the prisons and police stations were still deplorable and the diet and general treatment of prisoners was injurious to their health. The nine persons who had been condemned to death by military tribunal in 1998, and whose sentences had been commuted to life imprisonment, whose incommunicado imprisonment had been terminated, at his own request, by the President of the Republic, had since apparently been transferred, with some 50 other prisoners, from Malabo prison to a prison on the mainland, far away from their relatives. There was reason to believe that torture was still systematically practised in the country.

2. There were definite problems relating to power and democracy in Equatorial Guinea. The efforts towards political liberalization made by the Government were insufficient and created a climate of tension and human rights abuse. In the parliamentary elections held in March 1999, the governing party had won the vast majority of seats and the opposition had refused to enter parliament. Municipal elections that should have been held early in 1999 had been postponed to the end of 2000, and it was clear that they would be postponed again.

3. Many of the problems confronting Equatorial Guinea had originated in the past. The country had gained independence from Spain in 1968 and had inherited many authoritarian practices from the then Spanish regime. However, 30 years were more than sufficient to lift restrictions on freedom of movement, to establish independent media and to publicize laws. Nevertheless, movement remained severely restricted, there was no press, laws were not made public, civilians continued to be judged by military courts and none of the recommendations made by the Commission's special rapporteurs had been implemented. Yet another year had passed without the Government making good on its 1990 promise to secure the ratification of some international human rights instruments.

4. The fact that the same serious human rights problems persisted despite 20 years of technical assistance to the country by the United Nations had caused him to recommend that the programme be suspended until a national human rights action plan were worked out and adopted. Such a plan should identify recommendations which needed technical assistance for their

implementation and others for which no technical assistance was required and which could be implemented forthwith. The human rights situation in Equatorial Guinea was very serious but it could be improved if resolute action was taken by the international community in general and the Commission in particular.

5. Mr. MANGUE (Observer for Equatorial Guinea) said that he had been surprised to read in the Special Representative's report (E/CN.4/2000/40) that human rights violations in his country were considered to be systematic, massive and grave and also that the situation was precarious and fragile. The report was a dramatic one but not very credible. To put his country's situation in the proper perspective, it was a country at peace in a region of conflict. As Chairman of the Economic Community of Central African States (CEAC), the President of Equatorial Guinea had organized a summit of heads of State that had led to the creation of a mechanism to strengthen regional stability and resolve conflicts.

6. Equatorial Guinea was a small country with a small population, and until recently, had few resources. It currently had one of the fastest-growing economies in Africa and a per capita income of \$1,200. The entire prison population amounted to 85 persons. As for religious freedom, 34 religions were practised. Contrary to the assertions regarding freedom of expression and the written media, there were some 12 newspapers and magazines, at least 5 of which represented the views of the opposition parties. In 1999, without any international assistance, legislative elections had been organized in which more than 12 political parties had competed. Dozens of international observers had been invited and had made positive observations about the process. The "severe criticism" of the process was repeated in the report without reference to the comments made by the Government and by foreign delegations.

7. He was pleased to inform the Commission that, as it had recommended in 1999, the Government and the political parties had continued their dialogue. It had recently been announced that municipal elections would be held on 28 May 2000. In consultation with all the legal political parties, a new electoral census was being completed and the election campaign would begin in mid-April. All the political parties would participate and the Government was planning to host delegations of international observers and train independent election monitors.

8. As Chairman of the second Commission on Corruption in the Judiciary, he wished to object to the Special Representative's characterization of that Commission as a ploy used by the executive branch to increase its power over the judiciary. It was in fact an attempt to end the "commercialization of justice" and to restore the people's faith in the judiciary. The judiciary did in fact work effectively, taking on average between one and three months to deal with the relatively small number of civil cases.

9. The Special Representative asserted that only persons from the government party could receive jobs in Government or the private sector. However, as part of its good governance programme, the civil service administration had adopted laws specifically prohibiting the hiring or firing of people because of political, ideological, ethnic or gender considerations. Those laws also provided for punitive damages to be paid to any injured party. Similar compensation was also payable to any person illegally detained or falsely arrested. Those measures had been adopted to correct some of the past abuses mentioned in previous reports to the Commission, and he drew them to the attention of the Special Representative.

10 The Special Representative called for the self-determination of his country's largest ethnic minority. There was no proof, however, that the minority was being persecuted and the Special Representative had cited no laws that discriminated in any way against any ethnic group, or any social behaviour that indicated that such was the case. All the ethnic groups in the country were totally free to practise their traditional beliefs, maintain their cultures, speak their own languages and participate fully in the political and economic life of the country. Members of the ethnic group to which the Special Representative referred held some of the highest political offices in the country and were fully represented in the armed forces and police force.

11 Mr. DE ICAZA (Mexico) said that, in a very short space of time, his country's democracy had undergone a profound and irreversible change. There was political pluralism and a division of powers. The coming general elections would be a true reflection of the people's will, thanks to the reforms to the Constitution, the regulations applying to political parties and the legislation governing the independence of the electoral authorities. The Government had signed an agreement with the United Nations on foreign observers for the elections.

12 Democracy involved not only elections, however, but also the rule of law and human rights. In both those areas his country had made progress. Since 1994, legislation had been introduced to give full autonomy to legal bodies and independence - and improved working conditions - for judges. The creation of the Federal Council of the Judiciary would not only buttress the independence of judges but would make them more professional.

13 Strengthening the rule of law was a matter of combating impunity. Over the past two years, in the Office of the Attorney-General of the Republic alone, about 1,000 civil servants had been dismissed or disqualified, while 1,139 had been punished and 317 prosecuted. The Federal District Human Rights Commission had just reported that, in the framework of the Programme of Action against Impunity, there had been 596 cases in 1999, in connection with which the Commission had imposed disciplinary and penal measures on 83 civil servants.

14 In December 1998, the Government had established the National Programme for the Promotion and Strengthening of Human Rights, in accordance with the recommendations of the Vienna Declaration and Programme of Action, because both the people and the Government believed that respect for human rights was an essential part of a State governed by the rule of law. The aim of the Programme was to strengthen institutional mechanisms and eradicate impunity. Much had been accomplished over its first year. Training had been given to civil servants, members of the armed forces and public security personnel. Numerous campaigns and educational activities had been mounted to inform the people of their rights and of the means of redressing grievances.

15 The Government continued to strengthen the ombudsman system, which comprised the National Human Rights Commission and the state commissions of each of the 32 states making up the Federation. In 1999, the Constitution had been amended so that the Chairman of the National Commission was elected by the legislature. He had his own staff and funding and reported to the Union authorities. Whenever human rights violations occurred, they were investigated and punished.

16. His Government reiterated its respect for the work of the non-governmental organizations (NGOs), with which it wished to maintain constant and fruitful dialogue. In 1999 a unit in the Ministry of the Interior had been given the task of dealing with complaints from journalists and human rights defenders. Action was taken on all such complaints.

17. International cooperation was of great assistance in creating a culture of respect for and promotion of human rights. The 28 reports that his Government had submitted to the United Nations treaty bodies and Commission mechanisms were no mere formalities. There was a constant dialogue with such bodies and their observations had resulted in positive action, including some legislation.

18. Democracy could not tolerate exclusion. The Government was profoundly concerned at the persistent poverty in Mexico, affecting a large section of the population and, in particular, the indigenous peoples, who were the cornerstone of the nation. Only through democracy could the faults of the past five centuries be rectified. In that context, he repeated the Government's commitment to reach a just and honourable peace in Chiapas through dialogue and negotiation. State institutions would still, however, have to preserve public order.

19. Mr. MOUSSALLI (Special Representative of the Secretary-General on the situation of Human Rights in Rwanda), introducing his report (E/CN.4/2000/41), said that, since completing it in January 2000, he had undertaken a mission to Rwanda between 18 and 28 March. The visit had coincided with the installation of a new Government and the resignation of the President, and he had been able to meet the new leadership, which had assured him of its determination to continue the policy of dialogue, coexistence, reconciliation and respect for human rights.

20. All elements of Rwandan society had been profoundly traumatized by the consequences of the genocide of 1994, and those institutions and agencies that were seeking to encourage the desire for peace, coexistence and pardon should be supported. It was necessary, however, for the population in general, and the survivors of the genocide in particular, to be convinced that the main culprits would not go unpunished. There were very mixed feelings in the country regarding the international community and the United Nations in particular.

21. The security situation had improved since 1997, particularly in the north-west of the country, but there was still an atmosphere of fear, which had perceptibly worsened as a result of recent assassinations in Kigali and elsewhere.

22. The Prime Minister of Rwanda had spoken of the importance his Government attached to human rights and to national unity and reconciliation. There was no real alternative in the long term, and the Rwandan authorities were clearly sincere in what they had said. As a matter of priority, they should concentrate simultaneously on security, the promotion of unity and national reconciliation, promotion and respect for human rights, economic development, justice, the development of a civil society, education and health.

23. He hoped that the efforts and initiatives of the National Human Rights Commission and the Commission on National Unity and Reconciliation would be supported by the international community and that the United Nations would play a more effective role in coordinating support from donors. He had recommended that the two Commissions each address a formal letter to the

United Nations High Commissioner for Human Rights asking her for specific and detailed technical assistance and training help, as well as for the services of international experts in project management

24 The Rwandan authorities and the donors concerned were to be congratulated on what they had already done to promote and respect human rights and national reconciliation but those efforts would be in vain unless the countries of the Great Lakes region were able to resolve the profound crisis and bloody conflicts affecting all their peoples. The international community should make every effort to ensure that the agreements guaranteeing peace, security and economic development to all the peoples of the region were concluded and respected.

25 Mr. MUCYO (Rwanda) said he welcomed the fact that the Special Representative had recognized the efforts the Rwandan Government had made in all areas relating to human rights and had recommended that the international community should continue helping Rwanda to overcome the difficulties of establishing a law-based State. Respect for human rights placed an obligation on the State to punish any person, without distinction, who broke the law. The elimination of impunity was a prerequisite for peaceful coexistence and social cohesion, but it meant apprehending and bringing to trial all those who had taken part in the tragic events of the past despite their large number and the limited capacity of the State's legal apparatus.

26 Classic legislation drawn up for normal times when criminality was a marginal phenomenon could not be applied when criminality had engulfed virtually the whole of society, so other ways and means had been sought. A system of participatory justice known as the *gacaca* jurisdiction had been chosen as a form intermediate between traditional Rwandan justice and classical justice; it was based on popular participation in clarifying the truth. But even that form of justice could not be done until those who had organized and planned the genocide and massacres had been arrested and charged.

27 It was for that reason that his Government supported the Special Representative's appeal to the international community to cooperate fully with the International Criminal Tribunal and the Rwandan legal authorities in apprehending all who were sought. His Government thanked those countries which had already begun to apprehend suspects on their territories.

28 As for the security situation, the sole purpose of Rwanda's intervention in the Democratic Republic of the Congo was to ensure the security of Rwanda and its population. In fact, as a result of it the activities in Rwanda of the former military and the *interahamwe* militias had diminished considerably. His Government supported the Lusaka Agreements, and considered that their implementation by all parties to be the only way of ensuring lasting peace in the region.

29 Mr. KOH (United States of America) said that recognizing shared principles meant rejecting claims that any particular regional, national, ethnic, cultural or linguistic values justified the abuse of universal human rights. At its fifty-fifth session, the Commission had recognized that democratic governance was a right accorded to all people. The Commission should build on that achievement and approve the draft resolution sponsored by Romania on the promotion and consolidation of democracy.

30. The indissoluble link between human rights and political democracy had been demonstrated by the recent elections in Nigeria and Indonesia. There had also been important steps towards democratic government in Benin, Botswana, Mali and Senegal, as well as positive steps to strengthen democratic institutions and respect for the rule of law in Estonia, Latvia and Slovakia. The commitment of the newly elected Government of Croatia to democratic principles and human rights was also encouraging.

31. As a result of recent elections in the Islamic Republic of Iran, the United States had taken a number of steps to improve its relations with that country, but remained troubled by its human rights record, particularly its treatment of religious minorities such as Baha'is and Jews. His Government was also very concerned about forthcoming elections in Haiti and Peru, and strongly urged both Governments to hold free and fair elections in an atmosphere unmarred by violence so as to restore public confidence and ensure their peoples the honest election process they deserved.

32. Where democracy was absent, human rights suffered, as in the former Yugoslavia where the Milosevic regime was continuing its campaign of terror against its citizens and its repression against its civil society; all groups in the region should work together for a peaceful, democratic and multi-ethnic Kosovo.

33. Human rights were systematically and ferociously violated in Sierra Leone, while government and anti-government forces in the Democratic Republic of the Congo had committed mass killings of civilians, arbitrary detentions, torture, beatings and rape. In Afghanistan, the Taliban continued their repressive treatment of women, there were also restrictions on gender freedom and religious freedom throughout Saudi Arabia. In North Korea, ill-advised government policies had left huge sections of the population facing malnutrition and even starvation. Myanmar had been under military rule for 10 years since the results of the election had been disregarded.

34. There were some who claimed that the Commission should not focus on country situations, but human rights abuses in some countries were simply too pervasive to be addressed by thematic resolutions. Thus, for instance, the Government of Iraq continued its brutal campaign against its people, ignoring appeals for access by human rights monitors and wilfully neglecting the Iraqi people's humanitarian needs. Saddam Hussein's was a regime for which a legal accounting was long overdue.

35. The United States also condemned in the strongest possible terms the human rights record of Sudan, which continued the illegal practice of slavery, persecuted Christians, animists and Muslims who failed to adhere to religious orthodoxy, violated its own ceasefire agreement by intensifying its aerial bombardment of civilian targets, refused to allow humanitarian flights and forcibly displaced thousands of people.

36. The Commission had a duty to address the worst country situations through country resolutions. When pervasive human rights violations in a country persisted, when human rights conditions deteriorated and when bilateral and regional efforts to protest against those conditions were rebuffed, the Commission should, as a matter of principle, speak out against them and urge that they be remedied. There should be agreement on the principle that no country should be

able to prevent the Commission from carrying out its duty of examining human rights violations through "no-action" motions that prevented honest discussion of whether a country's conduct met the shared international principles

37 To reaffirm those principles, his delegation would be introducing a resolution with respect to China's human rights policies, which fell short of the international standards that that country had agreed to uphold. The United States did not consider that it was "confrontation" to ask member nations to play by global rules which they had themselves accepted, and which bound them. The situation in China deserved to be examined by the Commission, and a resolution should be voted upon and adopted.

38 His delegation would also be supporting a resolution regarding Cuba, whose Government continued ruthlessly to suppress all forms of political dissent.

39 The Commission must also speak up for defenceless civilians in Chechnya. While his Government recognized the right of the Russian Federation to defend its territorial integrity and to protect itself from terrorism, it objected to the indiscriminate use of force against innocent civilians. It welcomed the Russian Government's decision to name a human rights ombudsman and to accept international experts on to an investigative team, but it was important that the Russian Federation should permit or conduct a prompt, transparent and independent investigation of all credible charges, provide the International Committee of the Red Cross (ICRC) with unhindered access throughout Chechnya, and provide for the re-establishment of the Assistance Group of the Organization for Security and Cooperation in Europe (OSCE). His delegation looked forward to hearing the High Commissioner's report on her forthcoming visit to the Russian Federation and to considering appropriate Commission action upon her return.

STATEMENT BY THE MINISTER FOR THE PROMOTION OF DEMOCRACY AND THE RULE OF LAW OF TOGO

40 Mr. OLYMPIO (Togo) said that the challenge facing the twenty-first century would be to create a new world which was more just and equitable and showed greater respect for human rights, and to propose comprehensive, effective and lasting ways of eradicating human rights violations.

41 Throughout its history, Togo had respected the purposes of the United Nations and had often expressed its commitment to peace and justice, the principles of democracy, the rule of law and the promotion and protection of human rights. It had ratified most of the international human rights instruments and was making every effort to integrate them into its legislation. The 1992 Constitution covered human rights in great detail. A National Commission for Human Rights had been established, together with several other relevant institutions provided for in the Constitution.

42 In 1996, with a view to consolidating human rights practices, Togo and the Office of the High Commissioner for Human Rights (OHCHR) had signed a human rights technical cooperation project. Implemented from 1966 to 1998, the project had carried out all the tasks assigned to it. Thanks to that project, the democratic process was continuing and the human rights situation in the country was improving steadily. The project's final evaluation report

stated that it had achieved results in many fields and that the series of training programmes aimed at a number of professional sectors had been of real benefit and had a genuine impact. He wished to express his Government's gratitude to OHCHR and to all the other partners in the project for having provided their assistance to his country.

43. Nevertheless, his Government, being well aware that much remained to be done in order to improve the human rights situation in the country, hoped that OHCHR would increase its technical cooperation. He reaffirmed his country's commitment to respect for life and human dignity and the determination of his Government to cooperate with the Secretaries-General of the United Nations and the Organization of African Unity (OAU).

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF BULGARIA

44. Mr. RAYKOV (Bulgaria) said that the credibility of work in the field of human rights had to be measured against practical achievements. While there had been a number of positive developments, including finalization of the two optional protocols to the Convention on the Rights of the Child, and a good start had been made on the reform of the special mechanisms of the Commission, the effectiveness of the international community in dealing with cases of massive and flagrant violations of human rights continued to be challenged.

45. While primary responsibility for the implementation of human rights obligations lay with the State, the promotion and protection of human rights was the legitimate concern of the international community, which must show that it had assumed responsibility with regard to human rights violations in various parts of the world. His country had demonstrated its determination to work for the promotion of human rights and would like to improve its record further by assuming the responsibility of membership of the Commission.

46. The latest developments in Kosovo indicated how difficult it was to bring peace to a society torn by long-standing ethnic conflicts. A genuine multi-ethnic and democratic society, however, would be possible only if violence and extremism were renounced. There needed to be a clear focus for the efforts to initiate inter-ethnic dialogue. The commitment by the international community to municipal elections in Kosovo would speed up the process of devolving political responsibility to the main ethnic communities.

47. A prerequisite, however, was the holding of an accurate census of the population, including internally displaced persons and Serb refugees inside and outside the province. It was the international community's responsibility to secure the return of Serb refugees, if truly fair elections were to be held in Kosovo. No census or election could be permitted to legitimate an ethnically cleansed Kosovo.

48. His Government was extremely concerned about the significant increase in tension in southern Serbia. It was clear that the authorities in Belgrade were using the activities of certain extreme groups as a pretext to justify an increased presence of Serb police forces in the region, which was directly adjacent to Bulgaria. The result might be serious repercussions for the Bulgarian national minority, especially in the neighbouring Bosilegrad and Surdulica region of

the Federal Republic of Yugoslavia. The Bulgarian national minority living in Serbia had been subjected to serious pressure to assimilate for decades and he urged the authorities to respect its constitutional rights.

49. Another area of potential destabilization was the relationship between Serbia and Montenegro, which could easily result in another catastrophe on the territory of the former Yugoslavia. The reformist policy of the Montenegrin leadership was an important factor in enlarging the democratic space in the Federal Republic of Yugoslavia and his Government actively supported its efforts to create civil institutions and develop a visible local alternative. He commended the balanced approach maintained by the Montenegrin leadership, despite the political, economic and propaganda pressures it was undergoing.

50. In Serbia itself, there were continuing violations of human rights. The independent media and the democratic opposition were subject to threats and harassment. The international community should condemn such violations and support the consolidation of the democratic opposition with a vision of a future democratic Serbia based on the rule of law and pluralistic democracy, ensuring that the Milosevic model would not be reproduced in the future. It was also essential that the various minority ethnic groups in the Federal Republic of Yugoslavia - amounting to a third of the country's population - should be fully integrated into the democratic process. In that context, he questioned whether the current sanctions against Serbia were effectively focused and whether they served the cause of the country's future democratic development.

51. Lastly, consideration should be given to the potential threat to regional security of any spillover of instability from the Federal Republic of Yugoslavia, whether through cross-border crime or the criminalization of social and economic structures.

STATEMENT BY THE MINISTER OF STATE FOR HUMAN RIGHTS OF INDONESIA

52. Mr. SAAD (Indonesia) said that the Indonesian people had left the past behind and started to rebuild the nation. As it gradually emerged from its economic, social and political crisis, the country should not forget the lessons it had learned from its national development policies of the past three decades, which had failed to recognize the need for a proper balance between economic growth, democracy and respect for human rights. Although that policy had achieved unprecedented economic growth and poverty alleviation, it had turned out to be a fragile one. An overemphasis on stability for the sake of economic growth had resulted in the neglect or even suppression of certain civil and political rights. As a result of the lack of accountability, persistent and systematic government malpractice had gone unchecked.

53. The financial crisis besetting the East Asian region had been the catalyst of change, but in Indonesia the crisis had been exacerbated by corruption and nepotism in both public and private institutions, as well as the lack of accountability. It had taught the lesson that, in the new globalized economy, countries with institutional weaknesses would be affected particularly severely. Indonesia's economic achievements had thus been effectively brought to an end overnight.

54. A reform process had resulted from the country's self-examination and, in a new political environment of freedom, a nationwide effort was under way to lay the new foundations of political, economic and social life. He himself - an NGO activist from the remote and troublesome province of Aceh - represented the new Indonesia.

55. The current reforms were aimed at speeding up national recovery from the East Asian financial crisis, easing the transition to a more democratic system and upholding the rule of law. The Government, in cooperation with the House of Representatives, had established a team of legal experts to review all national laws with a view to ensuring their consistency with the spirit of reform. Some laws had been repealed and others adopted, many relating to the freedom of expression and association. Laws on the creation of a human rights court, on a truth and reconciliation commission and on an ombudsman were still under consideration. New laws on regional autonomy, giving local government a larger share of revenue, would soon come into force.

56. Within the new political framework, 48 political parties had emerged, together with a vibrant civil society and ever-growing number of human rights NGOs. People felt free to speak, and even to criticize the Government. They could demonstrate at any time. The press was among the world's freest. Above all, the Government had released all political prisoners. The conduct of the general election had also shown the significant progress achieved in reforming Indonesian society. Among other reforms, the Minister of Defence was, for the first time for 40 years, a civilian.

57. The economy had bounced back from minus 13.2 per cent growth in 1998 to positive growth of 4 to 5 per cent in the current year. That would enhance the Government's capacity to improve the provision of economic, social and cultural rights. The Government would continue to work for such rights. It had also taken measures to redress past abuses, including a dialogue with various groups affected by the actions of previous administrations. The task was not an easy one. The new environment of freedom had rendered many people socially disoriented. The Government was doing its utmost to address the root causes of social discontent, to enforce the law in the interest of public order and to educate all sectors of society in human rights. The task would not, however, be easy in a country of the size and diversity of Indonesia.

58. The situation in Aceh and Papua had given cause for serious concern over recent months. The overall situation in Indonesia, including the Moluccas, had greatly improved, largely thanks to the priority given to dialogue. Complementing that process, the first court hearings of cases of human rights abuse in Aceh would take place in April 2000.

59. The Government had still to deal with the residual problem of the issue of East Timor. It had already shown its strong commitment to bringing to justice those responsible for human rights abuses in the territory. The Indonesian Commission Investigating Human Rights Violations in East Timor had submitted its report, which identified a number of individuals thought to be responsible for human rights violations in East Timor in the period beginning January 1999. The Attorney-General was in the process of following up the Commission's findings. Serious steps had been taken to remedy the situation of the refugees who had fled to various parts of Indonesia, and to enable them to return to East Timor.

60. As far as future relations were concerned, Indonesia and East Timor had agreed to adopt a forward-looking policy. Mr. Gusmao, the leader of East Timor, had visited Jakarta in November and President Wahid had made the return journey in February, at which time an important agreement had been reached concerning the establishment of a joint commission between Indonesia and the United Nations Transitional Administration in East Timor (UNTAET) to promote cooperation between the peoples of Indonesia and East Timor.

61. The Government was implementing the National Plan of Action for the promotion and protection of human rights through programmes funded out of the country's own resources or in cooperation with other Governments or institutions. The country had most recently benefited from advisory services from OHCHR on the setting up of human rights courts. He urged the Commission not to neglect the importance of international cooperation, which might reduce the current over-politicization which too often marred its work.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CUBA

62. Mr. PEREZ ROQUE (Cuba) drew attention to the glaring disparities in development between the richest and poorest nations, which was testimony to the international community's failure to realize the International Bill of Human Rights for all. The loudly proclaimed equality of human beings was called into question by the fact that the overwhelming majority of the world's population in developing countries consumed a mere 14 per cent of the total world production. Indeed, all the basic rights and fundamental freedoms - to which everyone was supposedly entitled - were undermined by the bitter realities.

63. It was difficult to reconcile the right to freedom of opinion and speech with the fact that ownership of the world's mass media was increasingly more privatized, monopolized and transnational. Delegations would be hard put to explain to the world's 800 million starving people - who owned only their hunger - what was meant by "the right of everyone to own property". With regard to the supposed right of everyone to take part in government, it must be remembered that 850 million illiterate adults in the world could not even write, let alone read, the word "right".

64. Five decades previously, the international community had declared that "everyone has the right to work", and yet millions of men and women remained prisoners of an irrational and unjust economic system which denied them that right. He wondered how the authors of the International Bill of Human Rights would have reacted, for instance, if they had known that 50 years later, more than 20 million people in Africa would be infected with HIV/AIDS, awaiting death. The world invested some US\$ 800 billion each year in military expenditure, yet it had not been able to find the US\$ 300 billion needed to treat those persons.

65. While the international community spoke of motherhood and childhood as being entitled to special care and assistance and of each individual having the right to be educated, 260 million school-age children did not receive any education and 160 million were undernourished; 600,000 women died each year in childbirth and the infant mortality rate in developing countries was 64 per 1,000 live births.

66. Such were the realities, pointing an accusatory finger at the international community, while the latter turned a blind eye. In view of the degree of manipulation, lies, hollow discourse and hypocrisy, and the dogmatic attempt to impose patterns and models purporting to universality, it was all the more essential to salvage the approach to human rights issues from the selfish interests to which they were hostage. A small group of rich and powerful States was increasingly attempting to monopolize the Commission and to use it as a tool for imposing their opinions and personal interests on the developing countries.

67. The Commission should rather be channelling its efforts and resources into promoting the right to development. Only then might the world's dispossessed masses be saved from poverty and hunger. Those same masses no doubt failed to understand why it was that the Commission met each year in Geneva.

68. At the World Conference on Human Rights, it had been proclaimed that everyone had the right to enjoy the benefits of scientific progress and its applications, yet 97 per cent of patents were controlled by the wealthy countries. It had also been stated that the debt burden of developing countries should be alleviated, and yet those countries devoted 25 per cent of their exports to debt-servicing. Although the importance of eradicating poverty had been affirmed in Vienna, the number of poor people in the world was constantly increasing. The poor struggled to survive while their Governments sat approving documents in a comfortable meeting room talking about "human rights".

69. It was essential that the Commission should be transformed into a tool for all countries to use to protect human rights. In 1999, however, the developed countries had accounted for 61 per cent of the resolutions and decisions adopted. Western European countries, the United States and Canada had more staff members in OHCHR than all the developing countries put together. Moreover, all country resolutions adopted since 1990 claimed that developing countries violated human rights, and all had been introduced by developed countries. He wondered whether it was that human rights were simply not violated in developed countries, or that the Commission was incapable of analysing such violations. Certain groups should have the humility to recognize that they did not have a prerogative of absolute truth. A spirit of deep democracy was required to accept that poor people could also be in the right. The poor must not be condemned for their poverty, especially in view of the legacies of colonial times.

70. It was a matter of great concern that, while ever-decreasing levels of resources were devoted to promoting development, combating hunger and poverty and compensating for centuries of lack of progress - the true causes of humanitarian crises - the notion of a "right to humanitarian intervention" was gathering force among the principal Western Powers, and had been applied several times in practice. The growing tendency to ignore the principles which, for 50 years, had constituted the pillars of international justice and the moral foundation of the United Nations, was also a cause for alarm. Countries should, indeed, be bombarded, not with missiles, but with new technologies, long-term funding for development, access to increasingly inaccessible markets and debt cancellation.

71. It remained to be seen whether the Commission would ever muster the courage to condemn the United States for its domestic human rights violations, such as child prostitution and pornography, widespread violence, the proliferation of firearms, police brutality and

inequalities in the judicial system. He wondered whether the Commission would ever dare to adopt resolutions condemning the United States for its unfair and arbitrary application of the death penalty, for its racial, sexual and religious discrimination, or for its neglect of the growing masses of poor and dispossessed people in the world.

72 He wondered, moreover, whether the Commission would ever be in a position to condemn the Government of the United States for the "dirty war" it had been waging against the people of Cuba for 40 years, with the single and self-professed aim of destroying the country's political, economic and social system. He would like to know how the "genocidal" blockade against Cuba was supposed to promote respect for human rights in the world. He wondered what the Commission would have to say to the 11 million Cubans concerning the declaration more than five years previously that food should not be used as a tool for political pressure. Not only had the United States not been condemned by the Commission for trying to starve them into surrender, it had been allowed to set itself up as supreme judge over the conduct of the rest of the world.

73 The United States was once more seeking to accuse Cuba within the Commission. In introducing a draft resolution against Cuba, the Czech Government must be paying for its admission into the North Atlantic Treaty Organization (NATO), or for its political and economic dependency on the United States. Cuba, for its part, was proud of its steadfast decision to defend its independence, dignity and sovereignty. It would never stoop, as others had, to serving an imperial power.

74 He hoped that the Commission would not become a silent accomplice to a serious violation of the rights of the child, namely the kidnapping and illegal detention in United States territory of the Cuban child Elián González. It was not merely the happiness of one child which was at stake, but the right of all children to live with their parents.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AFFAIRS OF NIGERIA

75 Mr. ONYIA (Nigeria) said that he wished to testify to the commitment to human rights of the new Government of Nigeria, which was the first to be democratically elected after 15 years of military rule. His Government appreciated the adoption of Commission resolution 1999/11 on 24 April 1999, particularly with respect to the offer of OHCHR technical assistance for strengthening Nigeria's national capacity in the field of human rights.

76 His Government was appalled at man's increasing inhumanity to man in certain parts of the world. Racism and other forms of discrimination had no place in an interdependent global village. The challenge before the international community was that of effective implementation of the existing human rights mechanisms. The capacity to promote and protect human rights for all required the cooperation of all partners, as well as the political will to create an enabling environment.

77 Since taking office in May 1999, his Government had adopted measures to consolidate the nascent democracy and to ensure the independence of the judiciary and the freedom of the press. Extensive prison reform had also been undertaken. The Government had also established

a mechanism for investigating allegations of human rights violations by previous regimes, with a view to compensating past victims and restoring the confidence of the Nigerian people in Government.

78. The number of democratized societies had increased, but practical steps had yet to be taken to alleviate the foreign debt burden on the developing countries. His Government would also appreciate international assistance in tackling the persistent problem of money-laundering by members of the former regimes.

79. The new Government had introduced programmes to tackle poverty, to enhance food security, to create new jobs and to address neglected problems of minorities, particularly in the Niger Delta area. Parliament had approved the President's initiative to establish a Niger Delta Development Commission.

80. The focus within the Commission on Human Rights should be on international cooperation rather than confrontation, on encouragement, not discouragement, and on the effective utilization and equitable distribution of material wealth and resources.

STATEMENT BY THE UNDER-SECRETARY FOR JUSTICE OF CHILE

81. Mr. ORELLANA (Chile) said that his Government had the firm intention of further strengthening its republican and democratic institutions and of extending the enjoyment of human rights and fundamental freedoms. Since the restoration of democracy, Chile's foreign policy had been characterized by support for development and for the improvement of the various international instruments for the protection of human rights. International cooperation in the field of technical assistance and human rights education was a priority. His Government wholeheartedly supported United Nations human rights efforts and reaffirmed its readiness to collaborate fully with OHCHR.

82. In Chile, the right to development was seen as a priority, on the understanding that the primary responsibility for promoting such development rested with the national Governments. Chile, for its part, was conducting far-reaching reform of its criminal justice system by making the transition from an inquisitorial, document-based and secretive regime to one that was adversarial, oral and public. Prison conditions were being gradually improved and opportunities for social rehabilitation created; special legislation was being promoted for juvenile offenders, and legal aid was being made more accessible. The practice of detaining people on suspicion was being abolished and the offence of torture was being defined in accordance with international law.

83. Chile had constantly supported the establishment of a permanent international criminal court and was heartened by rapid adoption of the Statute of Rome. There had recently been considerable controversy, both nationally and internationally, regarding the competence of foreign courts in relation to judicial proceedings linked with human rights violations that had taken place in Chile. His Government had consistently defended the principles of international law in judicial disputes before foreign courts, and had not defended any particular person nor the actions for which his administration had been responsible. It had simply maintained the prior right of its courts to judge events that had taken place in Chile and under its jurisdiction.

84. The right to restitution of the victims of human rights violations continued to be a matter of interest to his Government, which had, in previous years, supported the draft resolution in the Commission designed to establish a set of rules and principles recognizing the right to restitution, indemnification and rehabilitation. His delegation hoped that the Commission would request the General Assembly to approve that set of rules so that they might be incorporated into positive international law.

85. The recognition of women's rights and incorporation of the gender aspect into the implementation of human rights treaties were priorities for his Government and, in the particular case of the rights of women in the United Nations system, his delegation was sponsoring jointly with that of Canada, a specific text which it hoped the Commission would approve.

86. His Government supported various initiatives aimed at establishing specially recognized rights for indigenous peoples and a forum to facilitate the discussion of questions of interest to them. In Chile, a serious dialogue had been initiated with the representatives of the indigenous peoples, the aim of which was to establish a new relationship between the State, society and the indigenous peoples.

87. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in 2001, would provide a suitable forum for an in-depth discussion of the ultimate causes of racist behaviour and intolerance, and should be vigorously supported by all delegations.

88. His Government was not entirely satisfied with the results of the process of reviewing the Commission's mechanisms and supported the working group's proposal on improving their effectiveness. It hoped that the Commission would put the recommended measures into practice.

89. Chile had decided not to put itself forward for a further term as a member of the Commission in order to allow for rotation among the members of the Latin American and Caribbean Regional Group.

The meeting rose at 1 p.m.



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Fifty-sixth session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 March 2000, at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
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The meeting was called to order at 3 15 p.m.

STATEMENT BY THE DIRECTOR-GENERAL OF HUMAN RIGHTS OF THE COUNCIL OF EUROPE

1. Mr. IMBERT (Director-General of Human Rights of the Council of Europe) said that the European Convention on Human Rights was celebrating its fiftieth anniversary in 2000. On that occasion, a European Ministerial Conference on Human Rights would be held in Rome on 3 and 4 November 2000.
2. The European Court of Human Rights, which was now a permanent body, had to deal with an unprecedented increase in the number of applications and that was a matter of concern in Strasbourg. In addition, the cases brought before the Court related to new and often complex problems with more marked political overtones than in the past. There were also beginning to be signs that the supervision of the execution of decisions handed down by the Court would henceforth require particular vigilance on the part of the Committee of Ministers responsible for such supervision.
3. The European Social Charter, as amended in 1996, was proof of Europe's commitment to economic and social rights. All Central and Eastern European States, except for the Russian Federation, had signed or ratified the Charter, something that the Parliamentary Assembly required as a condition for admission to the Council of Europe. The collective complaints procedure, which had been in force since 1998, helped to make the rights guaranteed by the Charter extremely effective. That new experience should be of interest to discussions in the United Nations on an optional protocol to the International Covenant on Economic, Social and Cultural Rights. Despite those positive developments, serious and often structural violations of social rights, such as child labour, which were often the result of poverty, were still to be deplored, even in twenty-first-century Europe.
4. The Committee set up by the European Convention for the Prevention of Torture was the only international body that could make visits to places of detention in the member States of the Council of Europe. It had thus gone to the island prison of Imrali to see how Öcalan was being treated and had recently gone to places of detention in Chechnya. He hoped that a similar body would be set up under United Nations auspices.
5. By protecting national minorities, the Framework Convention for the Protection of National Minorities, which had entered into force in February 1998, was designed to promote stability, democratic security and peace on the European continent. It was the basic reference for activities under the Stability Pact for South-Eastern Europe.
6. The European Commission against Racism and Intolerance (ECRI), whose recommendations had an increasingly greater impact in the States to which they were addressed, was taking an active part in the preparations for the European Conference against Racism, which would be held in Strasbourg from 11 to 13 October 2000 as a prelude to the World Conference. The non-governmental organizations concerned were also taking part in the European preparations and a NGO forum would be held right before the European Conference. In that

connection, he said that new Protocol No. 12 to the European Convention on Human Rights should be adopted shortly and was designed to strengthen all legal means of combating racism and discrimination in Europe.

7. There had been a great deal of progress on the abolition of the death penalty, which was a very clear-cut objective of the European community. Only two countries, Albania and Turkey, had not yet signed Protocol No. 6 to the European Convention on Human Rights, which provided for the abolition of the death penalty in time of peace, and only six member States had not yet ratified it. Europeans knew from experience that the abolition of the death penalty was not an easy process and that it often required measures designed to make public opinion aware of it.

8. International human rights bodies such as the European Council and the United Nations Commission on Human Rights must attach particular importance to respect for freedom of expression and the free movement of ideas and opinions beyond borders. There could be no genuine democracy without freedom of expression and without the possibility for the media to conduct investigations into the activities of public authorities and to inform public opinion of human rights violations whenever they occurred.

9. It was shocking that the traffic in human beings, especially women, had become a very lucrative criminal business in Europe and elsewhere. A draft recommendation of the Committee of Ministers to the member States of the Council of Europe would probably be adopted in the coming months. There was already active cooperation in that field between the Council of Europe and the Office of the United Nations High Commissioner for Human Rights.

10. The situation in Kosovo hardly reflected - far from it - the values and principles of a multicultural and multi-ethnic society. In that connection, it must be asked why the strategies implemented so far had failed. Through its Pristina office, the Council of Europe was trying to promote respect for human rights and democratic principles in Kosovo. In South-East Europe as a whole, the Council of Europe was taking part in projects to promote national human rights institutions and the establishment of an ombudsman system. Several initiatives concerning interethnic relations and minorities had been adopted on 16 and 17 March 2000 at the Portoroz Conference.

11. The reports of large-scale human rights violations in Chechnya were truly shocking. The sufferings inflicted on the civilian population were intolerable. The Council of Europe Commissioner for Human Rights, Mr. Gil-Robles, had made proposals to the Russian authorities following his return from his trip to Chechnya. The Secretary-General of the Council of Europe had also requested explanations from the Russian Federation on how the provisions of the European Convention on Human Rights were being implemented in Chechnya. The questions and answers had been made public. Following the initiatives taken by Mr. Gil-Robles, discussions were now being held by the Council of Europe and the Russian authorities on how the Council of Europe might become involved in the work of Mr. Kalamonov, Special Representative of the President of the Russian Federation responsible for ensuring respect for human rights and fundamental freedoms in the Republic of Chechnya. In that context, the Council of Europe particularly welcomed the fact that Mrs. Robinson had been authorized to go to Chechnya soon. The Council of Europe awaited her report to the Commission with interest.

STATEMENT BY THE MINISTER OF JUSTICE OF THE SUDAN

12. Mr. YASIN (Sudan) said that cooperation and constructive dialogue were the best ways of promoting the cause of human rights. Avoiding politicization and selectivity, increasing impartiality and transparency and adopting a balanced approach to civil and political rights and economic, social and cultural rights should be the guiding principles in that regard. Sudan attached great importance to the forthcoming World Conference against Racism, since racism was a problem that particularly affected Africa and Africans.

13. The human rights situation in the Sudan had changed considerably since the Commission's last session. The process of democratization had been accelerated. All political parties were entirely free to carry out their activities, in accordance with the new legislation, and all political prisoners had been released in December 1999. The National Security Act, which had been amended in July 1999, prohibited arbitrary arrest. Any detainee had the right to contact his family and a lawyer and to appeal to the District Attorney and to the judge. Reforms had been introduced to ensure that the legislation in force was fully in keeping with the provisions of the Constitution. Freedom of expression was guaranteed and exercised, as proved by the publication of some 17 privately owned daily newspapers.

14. In August 1999, the Sudan had begun exporting crude oil. In that connection, the Government's policy was to involve the local population in oil exploration and to enable it to take a major role in protecting drilling sites, on the understanding that oil revenue would be used for projects to rehabilitate the infrastructure and for the development of the country as a whole and, in particular, of southern Sudan.

15. Fully aware of the impact of war on all aspects of life, the Government was sparing no effort to bring about a just and lasting peace in the South. The Peace Agreement signed in 1997 with seven of the eight rebel factions provided, *inter alia*, for recognition of southern Sudan's right to self-determination. In order to speed up the peace efforts being made by the Intergovernmental Authority for Development, a permanent secretariat had been established with the assistance of the IGAD Partners Forum. Three rounds of peace talks had thus taken place since July 1999 between the Sudanese Government and the rebel movement. The Government was also highly committed to the Egyptian-Libyan Reconciliation Initiative, which was complementing the IGAD peace process. Both initiatives were designed to put an end to the decades-long armed conflict.

16. With regard to the humanitarian situation in southern Sudan, his Government had condemned the rebel SPLM/SPLA, which had issued an ultimatum to NGOs and other relief agencies on 12 January 2000. On 29 February 2000, 12 reputable international organizations had been expelled from the region by the rebels for no reason other than refusing to hand over control of aid deliveries. The absence of those 12 international organizations was having a crippling effect on Operation Lifeline Sudan and could only further exacerbate the already precarious humanitarian situation in the South. The international community had to exert pressure on the rebels to refrain from obstructing relief assistance to the population and to allow the 12 NGOs in question to return to the country.

17. A committee had been created to eradicate the abduction of women and children, as practised by the rebels in southern Sudan. In a short period of time, the Committee had been able to retrieve hundreds of women and children who had been abducted and to reintegrate them in their families. Sudan appreciated the material and financial support provided by the European Union, UNICEF, Canada and international NGOs, such as Save the Children (United Kingdom) and Save the Children (Sweden).

18. He was pleased to inform the Commission that his Government had just signed a technical cooperation agreement with the Office of the High Commissioner for Human Rights.

**STATEMENT BY THE MINISTER OF HUMAN RIGHTS, INSTITUTIONAL REFORMS
AND RELATIONS WITH THE NATIONAL ASSEMBLY OF BURUNDI**

19. Mr. NINDORERA (Burundi) said that, after more than six years of armed conflict, civil wars, poverty and human rights violations, Burundi longed for the establishment of a lasting peace and a society which respected human rights. Those objectives were achievable, despite the problems Burundian society continued to face.

20. The peace process should lead to the signature of a peace agreement during the current year. The involvement of President Nelson Mandela as facilitator had given the Arusha negotiations fresh impetus. His moral authority could incite all parties to the conflict to abandon the logic of confrontation and enter into a logic of peace and compromise, especially on questions such as the genocide, the institutional and electoral system and security.

21. The question of the ceasefire had, however, not yet been specifically raised because the leaders of the armed groups had been absent from the negotiating table, despite the Government's insistent appeals and the efforts by the mediator, Nelson Mandela.

22. Another great problem was the nature of the FDD and FNL rebel forces, which mainly attacked innocent civilian populations, especially Tutsi targets, and which had, on 12 October 1999, murdered in cold blood the UNICEF representative and the WFP logistics officer, to whom his Government paid tribute.

23. In order to protect the civilian population against the murderous attacks of those terrorists, his Government had undertaken to regroup much of the population of the province of Bujumbura-rural at about 50 sites.

24. As impunity was the key to the conflict in Burundi, it would be pointless to think that an amnesty might help bring about a return to a lasting peace. Crimes as odious as genocide and crimes against humanity committed in Burundi should be tried by an international criminal court.

25. The deterioration of the population's socio-economic situation as a result of climatic and economic conditions and the lack of support by the international community created an unfavourable atmosphere for the peace process. In addition, the fact that Burundian armed groups, about whose presence in the Congo there was not the slightest doubt, had joined with the genocidal Rwandan forces meant that there was a genuine threat to Burundi's internal security.

26. Despite those problems, the Government was pursuing a dynamic human rights policy. The new Code of Criminal Procedure, which strengthened the rights of the defence, had entered into force on 1 January 2000; there were plans to establish a governmental human rights commission; elected human rights committees had been set up in all areas of the country; imprisoned minors had been separated from adult prisoners; reports on the implementation of the instruments ratified by Burundi had been submitted to the competent treaty bodies; the ratification of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the African Charter on the Rights and Welfare of the Child and the Protocol relating to the establishment of an African human rights court were scheduled for April 2000; the Rome Statute of the International Criminal Court and the Convention on Anti-Personnel Mines were to be ratified by the end of the year; and a broad human rights education programme was being implemented at all levels.

27. Those advances, which were also the result of efforts by Burundian and international NGOs and by United Nations organizations, must not overshadow the fact that violence continued to be committed against the civilian population, ethnic rivalries to have negative consequences for daily private and professional life, crimes to be committed by some State officials, the judiciary to be full of irregularities and very slow, living conditions in some regrouping sites to be deplorable, vulnerable and delinquent children to exist in large numbers, conditions of detention in prisons to be precarious, some public freedoms to be restricted and Burundian society to be corrupt.

28. The Government and people of Burundi expressed their appreciation to States, international organizations and NGOs for their invaluable assistance to the population in distress and their contribution to the promotion of human rights in Burundi.

29. He nevertheless regretted the events in Muzye and their disastrous consequences, especially the decision by the United Nations to move on to phase IV of the United Nations security plan throughout the territory, including the many provinces where security was guaranteed. He could only wonder how the implementation of such a measure would affect the Office of the United Nations High Commissioner for Human Rights in Burundi, especially its monitoring mission, and the activities of the Special Rapporteur. Since their presence was justified primarily by insecurity and human rights violations, their current position seemed to contradict the nature and objectives of their mission. Paradoxically, the number of human rights observers went up when the number of human rights violations decreased and went down when the situation was considered to be more alarming. His Government was nevertheless confident of finding a satisfactory solution that would take account of the population's needs, the situation on the ground and the efforts it was making to keep the situation under control.

30. The international community could not exert pressure on the Government alone. It must also take strong action to get the armed groups to stop the violence and join the other parties in the Arusha negotiations. All Burundians, whatever their origin or political-ethnic sensitivities, had to work, with the support of the international community, to lay the foundations for a lasting peace and a society based on respect for human rights.

STATEMENT BY THE MINISTER OF JUSTICE OF THE REPUBLIC OF THE CONGO

31. Mr. MBEMBA (Republic of the Congo) recalled that the Monitoring Office of the Intergovernmental Agency of la Francophonie had met in Cairo in October 1999, when the Congolese delegation had submitted a communication entitled "Human rights in countries affected by armed conflict. The situation in the Republic of the Congo".

32. The main idea of that communication was that civil war was by definition an extreme negation of human rights. The civil wars in the Congo, which had begun in 1993, 1997 and 1998, were diametrically opposed to the principles embodied in the Geneva and Hague Conventions on the conduct of war.

33. The framework which had been in place since 15 October 1997 for the exercise of human rights was now fully operational. Visits to the Congo by foreign delegations could be made freely and safely, sometimes at the invitation of the Congolese Government.

34. Freedom of the press had never been as full: more than a dozen newspapers expressed themselves freely and did not hesitate to denounce the Government. That was part of democratic life, provided that it was done on the basis of respect for others and the truth and was not intended to cause harm. Journalists were thus not prosecuted and there was no press censorship.

35. Non-governmental organizations expressed themselves freely and took part in Government activities. That was also true of NGOs which were extensions of political parties or reflected the opinions of political exiles and which were often poorly, or partially informed, or simply biased. Those NGOs demanded to know what had happened to the persons who had disappeared during the 1998-1999 civil war. Investigations were being conducted, not only into those cases, but also into the complaints of the families of persons who had disappeared during the 1993 and 1997 civil wars.

36. Since October 1997, power had been exercised entirely legally and legitimately as a result of a mass movement which had resisted tyranny in full conformity with the Constitution then in force. Despite the difficult socio-economic situation, the Government had been trying to carry out key activities in the areas of security, justice, social peace and national reconciliation, the ultimate objective being a definitive return to the rule of law. The transitional Constitution condemned any form of violence in society, including any act designed to stir up hatred and division among the communities making up the Congolese nation.

37. In addition to the usual instruments, the Government had established three basic structures within the Ministry of Justice: the Department for the Protection and Promotion of Human and Peoples' Rights; the Department for the Legal Protection of Children; and the Information Service on Rights and Freedoms.

38. The Congo had ratified most international human rights instruments and had acceded to the Protocol Additional to the Geneva Conventions and the International Covenant on Civil and Political Rights. Eight International Labour Conventions had been ratified between 1998 and 1999. In order to strengthen the rule of law, the Government had sent 27 judicial officials to France for training. The training of judges, in particular, was one guarantee of their

independence. As far as infrastructure was concerned, the Government had adopted an ambitious programme for the reconstruction of buildings where police stations, jails and courts were located.

39. The Congo was far behind in the submission of initial and periodic reports on the implementation of human rights treaty instruments, but the process of the ratification of the Statute of the International Criminal Court and the Convention against Torture was well under way.

40. Two agreements on the cessation of hostilities had been signed on 15 November and 29 December 1999 and that was a big step forward towards the re-establishment of the rule of law. The agreements recognized the need for an amnesty act on offences deriving directly from civil wars, on the understanding, however, that such an act would protect the right of victims to appeal to a civil court for compensation for loss or injury. There was thus no impunity, but there was a determination to achieve the objective of re-establishing peace based on national reconciliation.

41. Now that there was hope of national reconciliation that would promote social peace and the country's balance, the international community had to come to the Congo's assistance, which would be decisive for the rebirth of the rule of law. That had been one of the main conclusions of the Seminar-Workshop held in Brazzaville in March 1999 on the key topic of "justice as a factor of social peace and the strengthening of the rule of law in the post-conflict period".

STATEMENT BY THE MINISTER OF JUSTICE OF RWANDA

42. Mr. MUCYO (Rwanda) said that, six years after the genocide, there had been countless human rights achievements in his country, as had been confirmed by the Special Representative, Mr. Michel Moussali, in his report to the Commission (E/CN.4/2000/41).

43. In November 1999, Rwanda had hosted the twenty-sixth session of the African Commission on Human and Peoples' Rights. The session had enabled the international community to evaluate the progress Rwanda had made on human rights and the restoration of the rule of law and democratic principles.

44. Peace and security prevailed throughout the national territory. The Government was working to promote national reconciliation, despite the political and economic problems the country now faced following the genocide. The Government considered that all the parties concerned must abide by the peace agreement signed in Lusaka in order to arrive at a lasting peace in the region. In that connection, the Interahamwe who were continuing the armed struggle were still regarded as a threat.

45. All Rwandan citizens were entitled to return to their country and the refugees who had so wanted had been repatriated. The refugees' return had aggravated the problem of housing and the lack of cultivatable land. It was therefore quite legitimate to regroup the population in villages (imidugudu), thus facilitating access to basic infrastructures.

46. One of the consequences of the 1994 massacres and genocide had been the nearly total destruction of the Rwandan judiciary. Although the re-establishment of the legal system had yielded encouraging results, the system was still not up to the enormous amount of work to be done. Some 120,000 persons were awaiting trial and, at the present rate, it would take over 100 years to try all persons allegedly responsible for the genocide. In order to solve that problem, the Government had considered the possibility of participatory justice (*gacaca*). Events could then be re-enacted, trials speeded up, the culture of impunity eradicated, Rwandans reconciled and national unity strengthened.

47. The Rwandan genocide had been committed in full view of the entire world. The international community was thus partly responsible, and that was why his Government hoped for systematic and concerted action - a kind of mini Marshall Plan - for Rwanda's reconstruction.

48. The first free and transparent elections had taken place in 1999. They had been monitored by foreign observers. Laws voted by the parliament had entered into force. A national human rights commission had been established and had begun its activities. Its objective was to conduct investigations into the human rights violations committed in Rwandan territory, particularly by State bodies. A commission to draft a new constitution would begin its activities soon. Rwandan institutions thus operated transparently and democracy was gradually being built.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD (agenda item 9) (*continued*) (E/CN.4/2000/7, 10, 26, 28-31, 33-35, 37-43, 45, 101, 113, 115, 116, 119, 121, 127, 129, 130, 139 and 141-142; E/CN.4/2000/NGO/8, 19, 26, 36, 38, 44, 72-75, 86, 89, 96, 101, 103, 112, 117, 124, 129 and 130-137; A/54/660, A/54/726-S/2000/59 and A/54/727-S/2000/65; S/2000/137)

49. Mr. RAZOOQI (Observer for Kuwait) said that he welcomed the appointment of Mr. Mavrommatis as Special Rapporteur on the situation of human rights in Iraq. As the preliminary report showed (E/CN.4/2000/37), Mr. Mavrommatis planned an intensive programme of activities in order to carry out an in-depth assessment of the situation of human rights in Iraq. The delegation of Kuwait looked forward with interest to the submission of his interim report to the General Assembly and his future reports to the Commission on Human Rights.

50. Referring to the report submitted by the former Special Rapporteur, Mr. van der Stöel (A/54/466), which covered the period from February to October 1999, he said that what was happening in Iraq was truly tragic and that the situation of human rights in that country was absolutely deplorable. During discussions he had held recently with the new Special Rapporteur, he had raised the question of Kuwaiti and third country nationals who were still detained in Iraq and who numbered more than 600. It was alarming to think that, nearly 10 years after the Iraqi occupation of Kuwait, they still had not been repatriated. The International Committee of the Red Cross had expressed its commitment to providing information to the families of prisoners unaccounted for. However, Iraq obstinately refused to cooperate with ICRC and to indicate where those prisoners were being held. That was all absolutely contrary to Security Council resolutions 686 and 687. Kuwait welcomed the appointment by the Secretary-General of

Mr. Yuliy Vorontsov as the high level Coordinator to follow up the release of Kuwaiti and third country prisoners of war. His delegation appealed to the international community to require that all those prisoners of war should be released.

51. Mr. SKOGMO (Norway) said that, since no country had a perfect human rights record, Norway had decided to prepare a plan of action for human rights, which was available to the members of the Commission. That text contained a thorough assessment of human rights challenges in Norway and proposed measures to deal with them.

52. The most serious violations of human rights took place in countries marked by violent conflict or outright war. In some areas, such as the Horn of Africa, the conflicts had been going on for so long that an entire generation had grown up without any freedom from either fear or want. In Chechnya, the conflict which had recently broken out had had devastating consequences for the living conditions of entire populations and, in that connection, Norway looked forward to the report which Mrs. Robinson would submit to the Commission after her visit to that region.

53. In Asia, human rights violations were particularly serious in Afghanistan, where torture and extrajudicial executions were systematic; in Iraq, whose population was deprived of its fundamental freedoms; and in Myanmar, where there were no signs of dialogue with the democratically elected representatives of the people.

54. In Africa, the Great Lakes region continued to be an area of conflict and widespread violations which forced thousands of persons to flee. That was particularly true in Burundi and the Democratic Republic of the Congo. In Angola, the situation of internally displaced persons was a matter of great concern.

55. In Latin America, Norway was particularly concerned about attacks by paramilitary and guerrilla groups against civil society.

56. In southern Europe, ethnic violence in Kosovo was most disturbing. UNMIK and KFOR had to act firmly, in accordance with Security Council resolution 1244. The persons responsible for such violence had to be arrested and punished. There was also disturbing information that the media in Serbia were increasingly being harassed. Norway urged the Federal Republic of Yugoslavia to comply fully with international standards relating to freedom of information.

57. Norway had entered into a human rights dialogue with China. Despite the Chinese people's improved living conditions, there was still insufficient transparency in the way the country was governed, the practice of religion was restricted and the right to peaceful assembly and freedom of association and speech hardly existed. The human rights situation in Tibet was still a matter of great concern and, in that connection, his delegation appealed to the Government of China to respect the ethnic, cultural and religious identity of Tibetans.

58. The measures adopted by the new Indonesian Government were encouraging and its determination to bring to justice those who had been responsible for the atrocities committed in East Timor and Aceh was to be commended.

59. In a number of countries, the human rights situation seemed to have improved since the Commission's fifty-fifth session. That was true of Sierra Leone, where the signing of the Lomé Peace Agreement in 1999 had ended a particularly bloody civil war and brought hope of an end to outrageous human rights abuses. His Government appealed to all the parties concerned to facilitate the deployment of UNAMSIL. In the Sudan, the Government had recently introduced amendments to the Constitution which might improve the situation. The election of a democratic Government in Cambodia in 1998 seemed to have paved the way for development and progress in an atmosphere of peace. His Government urged the Government of Cambodia to strengthen the rule of law and work with the international community to bring about reconciliation based on international standards of justice, fairness and due process of law. In Iran, the newly elected parliament would be inaugurated in a few weeks. In general, the results of those elections were regarded as reflecting the political will of the people in a reasonably fair way. That boded well for the Government's ability to achieve its officially stated objectives of establishing a Government based on the rule of law with respect for human rights for all. Lastly, Norway was pleased to note the determination by the newly elected Government of Croatia to improve the situation of minorities and protect their rights.

60. Mr. LEGWAILA (Botswana) said that mankind had to bear the heavy burden of the last century and that, for many peoples, such as those of Angola, Sierre Leone, the Democratic Republic of the Congo, Burundi, Afghanistan, Kosovo and Palestine, the new millennium had brought neither hope nor relief. When shown on television every day, raw cruelty became a normal feature. In 1999, for example, the members of the Commission had got used to watching pictures of the exodus of Kosovars after having delivered righteous speeches on human rights all day long.

61. In Sierra Leone, the persons who had chopped off the arms and legs of civilians, especially women and children, were enjoying their freedom, unscathed and unrepentant, despite the atrocity of the crimes they had committed. What possible meaning could human rights have for the victims of war who witnessed massacres of innocent persons? Even in democratic countries, human rights were violated for various reasons ranging from xenophobia to racial bigotry.

62. Botswana, the oldest democracy in Africa, had always contended that there was a far better chance of protecting and respecting human rights in a democracy. Without respect for the fundamental rights and inalienable liberties of the human person, there could be no development and no economic and social progress.

63. In view of the deteriorating human rights situation in the world, the Commission must ask countries whose population was being deprived of its fundamental rights to get their act together and must urge those which tried to derive some political or geopolitical benefit from the miseries of their neighbours to desist. Each country must help its neighbours find peace instead of complicating their situation. If the Commission genuinely wished to promote respect for human rights, the intimate companion of its criticism must be constructive suggestions and proposals on how States might be helped. As the representative of India had said, "... if the objective is to promote and protect human rights, merely spotlighting human rights abuses would

not suffice. Better results could be achieved by encouraging self-criticism and inducing positive change through technical cooperation and national capacity-building to safeguard democracy and the rule of law".

64. Mr. HARAGUCHI (Japan) said that the rapid change in Indonesia in the past year had been remarkable and encouraging. The National Commission of Inquiry had basically carried out its task in accordance with the idea that the Commission on Human Rights had had in mind. He also emphasized the importance of the stabilization and strengthening of human rights in East Timor.
65. China had come a long way in the past 50 years, but the Chinese Government should be encouraged further to enhance civil and political rights and, in particular, to ratify and implement the two international covenants in the near future.
66. Japan shared the concerns of the international community about the human rights situation in Myanmar. However, there were some signs that the Government of that country was now trying to reach out its hand to the international community. It might be unwise to dismiss those signs if the human rights situation in that country was to be improved. With regard to forced labour, the Government of Myanmar wanted to strengthen its dialogue with the ILO and it should be encouraged to pursue that course.
67. Even if the situation in Iran was still a matter of some concern, the results of the recent elections were a reflection of the will of the people and a cause for optimism.
68. The deterioration of living conditions in Iraq was very distressing. The Government of Iraq should not waste its chances to alleviate the plight of its people by accusing the international community of being to blame. It was to be hoped that a remedy would be found for the situation of the Iraqi people. To that end, Iraq should comply with the relevant United Nations resolutions.
69. Japan was concerned about the human rights situation in Afghanistan and about women's rights, in particular, and wished to contribute to its improvement. In early March, it had therefore invited the parties concerned to Tokyo in order to inform them of its concerns and interests. The Taliban authorities had stated that they had made efforts to improve the human rights situation, but that they had been frustrated by the slow response of the international community. In order to encourage the Taliban to adopt other constructive measures, the international community should take note with satisfaction of the efforts they were making.
70. Japan continued to be concerned about the human rights situation in Cuba, especially as far as freedom of expression was concerned. It hoped that the bilateral talks between Japan and Cuba would be deepened and that the Cuban Government would cooperate actively and constructively with the Commission.
71. In Africa, major efforts had to be made to guarantee respect for human dignity. In that regard, the work being done by UNHCR in Sierra Leone was highly commendable.

72. As to Kosovo, Japan was convinced that the international community would support the local population, which was keen to build a democratic society in which all ethnic groups could live in peace and security.

73. In Chechnya, Japan trusted that the new Russian administration would deal with the situation in a way which would set a good example for the international community.

74. Japan continued to be concerned about the situation in Cyprus, but hoped that negotiations between the two sides would make progress under the Secretary-General's good offices.

75. The talks recently held in Geneva on the Middle East peace process had ended in disappointment. Japan drew attention to such issues because it was convinced that security matters did not involve only the politico-military aspects of relations between States. They also had considerable bearing on the security of private individuals.

76. Globalization had brought with it conflicts, transnational organized crime and a lack of good governance. Japan was working to enhance the security of persons and to protect them against such destructive adverse effects.

77. The Japanese Official Development Assistance Charter stated that full attention should be paid to efforts to promote democracy and to the situation of human rights and freedoms in recipient countries. While Japan was not in favour of strict conditionality, it did think that it must react when actions in recipient countries were manifestly contrary to that Charter.

78. Japan was trying to help recipient countries improve good governance. That might be a long-term undertaking in some cases, but patience could ensure its success.

79. Dialogue was the key to mutual understanding and reconciliation, particularly in respect of human rights. Japan was convinced that it was better to encourage a country to move forward, if that country had shown the will to improve the situation, rather than to criticize and isolate it. The Asian Pacific Workshop on Regional Cooperation for the Promotion and Protection of Human Rights, which had just held its eighth session in Beijing, was a good example of the results that could be achieved through dialogue.

80. Mr. QIAO ZONGHUAI (China), denying the allegations of certain western countries about the alleged deterioration of the human rights situation in China during the past year, said that his Government had continued to focus its efforts on economic development and to bolster civil and political rights.

81. Human rights legislation had been strengthened to afford citizens better protection. Transparency policies had been adopted in respect of the judiciary, the police and the prison system. Firm action had been taken against corruption. In rural areas, peasants could now directly elect their village communities. The Government was promoting freedom of expression and assembly, freedom of the press and freedom of opinion, especially in the media and in publishing. The number of associations had increased greatly and the use of the Internet had increased tenfold in the past two years.

82. The human rights situation had thus not deteriorated, but had been improving. However, the United States continued to give a distorted image of the situation in China and in other developing countries. It had set itself up as the policeman of the world and was trying to impose the American democratic model everywhere, at the expense of other countries' value systems. It also practised a double standard by trying to impose on others what it did not like for itself. For example, it had not hesitated to use the direst methods to carry out its assault on the Davidian headquarters, but accused the Chinese authorities of opposing religious freedom when they tried to deal with the evil Falun Gong cult.

83. Human rights were also highly politicized. Since 2000 was an election year in the United States, the United States delegation had submitted a biased draft resolution solely in order to win the votes of that part of public opinion which was hostile to China. By acting on that draft resolution, the Commission would only tarnish the image of the cause of human rights and harm its own credibility.

84. Like all other countries, China could not boast of an impeccable human rights record, but it was open to constructive criticism and willing to enhance dialogue with its partners on an equal footing and in a spirit of mutual respect. It categorically rejected outside pressure and bullying tactics. It would not be intimidated by the authoritarian attitude of the United States, which was seeking confrontation, not dialogue.

85. Mr. AKRAM (Pakistan), speaking on behalf of the member States of the Organization of the Islamic Conference (OIC), except Morocco, said that, at the preceding meeting, the Secretary-General of OIC had given a detailed analysis of the importance of human rights in Islam.

86. The members of OIC were concerned about violations of the rights of Islamic peoples, especially Palestinians and other Arabs living under Israeli occupation. They called on Israel to cease the harassment against those peoples and hoped that Israel would rapidly withdraw from southern Lebanon in accordance with its promises and that an early agreement could be reached with Syria on the Golan Heights. In order to guarantee peace and national reconciliation in Afghanistan, OIC had set up a committee which was working in cooperation with the United Nations on the implementation of a concerted plan of action. OIC was firmly committed to the reintegration of Bosnia and Herzegovina as a sovereign and multi-ethnic State and had therefore set up a group for humanitarian, economic, cultural and legal assistance. The Commission must maintain its comprehensive view of the human rights situation in the Balkans and its annual omnibus resolution must therefore continue to include the usual list of countries.

87. OIC continued to be concerned about the situation in Jammu and Kashmir. It recalled the importance of its good offices as a means of removing tensions between India and Pakistan. It was deeply concerned about the recent events in Kosovo which had led to expulsions of Kosovars in the northern and eastern parts of the region. It called for a just settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the territorial integrity of States and the inviolability of internationally recognized borders in order to determine the fate of 1 million Azeri displaced persons and refugees. It was also concerned about the isolation that had been imposed on the Turkish Cypriot people.

88. The Islamic world was increasingly concerned about the hostilities in Chechnya and the ensuing humanitarian catastrophe. It wanted a political solution in Chechnya which would not only ensure respect for the sovereignty and territorial integrity of the Russian Federation, but also provide for concrete steps on behalf of the Chechen people, including the cessation of the hostilities, the release of prisoners and hostages, the return of refugees and displaced persons, the implementation of a general amnesty, the start of a dialogue with Chechen representatives, the separation of powers between local and federal authorities in keeping with the 1996 Agreement, the guarantee of freedom of religion and economic recovery. Several OIC countries were already providing humanitarian assistance to the civilian population.

89. The Islamic world now had the largest number of refugees and that placed an enormous burden on host countries as levels of international assistance continued to decline. He appealed to the spirit of solidarity of the international community to continue to provide refugee assistance.

90. OIC was deeply concerned about the selectivity of certain countries in the Commission, especially when they made unfounded allegations against many OIC member States. In that connection, he recalled the OIC statement on agenda item 3 relating to the organization of work of the session. He objected to the disinformation campaign mounted against some members of OIC, particularly with regard to slavery and the implementation of shariah laws. OIC was also deeply concerned about systematic slander against Islam and, in particular, about attempts to equate Islam with terrorism. OIC condemned all forms of terrorism, but reaffirmed that the national liberation struggle against foreign domination or occupation was not an act of terrorism. The members of OIC acted in conformity with the provisions of the Code of Conduct for Combating International Terrorism and were in favour of the convening under United Nations auspices of an international conference to define terrorism and distinguish it from national liberation struggles.

91. OIC was concerned about the plight of Muslim minorities in several States, where they were persecuted because of their religious beliefs. In that context, there were disturbing trends in Europe, as shown in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Acts of violence against migrant workers, which were sometimes carried out by police officers, were aggravated by legislation and rules which discriminated against foreigners and ethnic minorities.

92. Racism and xenophobia continued to spread in western countries, especially at the instigation of far-right political parties. It was time for the European Union to look into that problem and explain it in the Commission instead of pontificating and pronouncing solemnly on situations about which it knew very little.

93. The Organization of the Islamic Conference wanted to take part in a constructive dialogue during the fifty-sixth session of the Commission on Human Rights. It did not favour proposals and initiatives which were designed to serve the political interests of certain countries or groups of countries and which would serve only to stir up controversy that was not at all conducive to the protection of human rights.

94. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that she would report on recent developments in two regions of particular concern to the Commission, namely, Kosovo and East Timor.

95. At its preceding session, the Commission had requested her to report urgently on the situation of human rights and the humanitarian crisis relating to Kosovo. The Commission now had before it three reports, which had been issued as documents E/CN.4/2000/7, E/CN.4/2000/10 and E/CN.4/2000/32. The latter report, which was the most recent, was the one she would refer to in detail.

96. Four areas were of crucial importance in Kosovo: security concerns, including the protection of the rights of minorities; the rights of prisoners, detainees and missing persons; the establishment of the rule of law; and the promotion of a human rights culture.

97. While the vast majority of the refugees and displaced persons who had left the region in 1999 had returned, many others, mainly members of minority communities, had since fled from Kosovo. According to the Yugoslav Red Cross, some 235,000 Serbs and Roma from Kosovo were now in Serbia and Montenegro. During the last few months of 1999, grave violations of human rights had occurred on a disturbing scale; such violations were still going on. Dozens of killings had been reported in recent months. Events in Mitrovica, in which both Serbs and Albanians had died, had highlighted the continuing fragility of inter-ethnic coexistence. In addition to acts of violence, there were also other worries, including severe restrictions on freedom of movement and various forms of discrimination.

98. Some 1,500 persons, mainly Kosovo Albanians, were being held in Serbian jails and the whereabouts of nearly 3,000 others were unknown. Her Office had made the protection of the rights of prisoners and detainees in the Federal Republic of Yugoslavia one of its priorities for the year 2000. On the basis of information provided by the Commission on Prisoners and Detainees in Pristina, her Office was defending the rights of detainees, prisoners and their families. It visited places of detention in Serbia and Montenegro and monitored trials. In Serbian places of detention, ill-treatment, overcrowding and poor health conditions were apparently quite common. Neither her Office nor ICRC had so far been able to obtain access to the places of detention of persons kidnapped in Kosovo territory by non-State actors. She was convinced that a rapid and even-handed solution of the problem of prisoners and missing persons would be a vital factor in the peace-building process.

99. Despite the difficulties encountered, progress could be made towards peaceful coexistence in Kosovo if the rule of law was rapidly re-established and a culture of human rights began to develop. In that respect, she commended the work which had been carried out under difficult circumstances by the United Nations Mission in Kosovo (UNMIK), OSCE, the Office of the United Nations High Commissioner for Refugees and other intergovernmental and non-governmental organizations.

100. The international community must, however, still take more resolute steps in Kosovo. More police officers should be made available to UNMIK, which was trying to fill several hundred judge and prosecutor positions in order to redress ethnic imbalance in the judiciary, but

had been hampered by security concerns. There had nevertheless been some positive developments, including the drafting of a regulation on the establishment of an ombudsman institution.

101. With regard to the promotion of a human rights culture, she noted that the Kosovo Human Rights Conference had been held in Pristina in December 1999 and that her Office had been represented by the Deputy High Commissioner. Though it had been symbolic, that event had offered hope because it had brought together persons belonging to different ethnic groups and had given them an opportunity to express their views in a free and democratic context. A declaration had been adopted calling for tolerance and the promotion of a human rights-oriented society.

102. She stressed the fact that, although the role of the international community in Kosovo was important, that of local and national leaders was even more so. They must bring their influence to bear to stop the cycle of violence and discrimination which hindered the rebuilding and renewal process.

103. With regard to the situation in East Timor, the Commission had before it the joint report by the Special Rapporteurs following their visit to East Timor, the report of the International Commission of Inquiry, the observations by the Government of Indonesia on that report and the views of the members of the Security Council on the report of the Commission of Inquiry.

104. The challenge of the situation in East Timor gave the international community the possibility of taking a long-term view and helping to build democracy in Indonesia and East Timor. Indonesia's decision to give the people of East Timor the opportunity to pronounce themselves democratically on their future had been most welcome. Unfortunately, however, that policy had not been to the liking of everyone in Indonesia and the people of East Timor had paid for such disagreement with great suffering. A serious problem of continuing concern was that of the fate and living conditions of thousands of East Timorese who had been forced to leave their country or had fled to West Timor and were unable to return. The Commission would receive the report of the Representative of the Secretary-General on internally displaced persons on his visit to East Timor.

105. The Indonesian Government had accepted its responsibilities for the events in East Timor, as shown by the courageous report of the Indonesian National Human Rights Commission and the clear-cut commitment by the Indonesian authorities to prosecute the persons responsible. At the request of the Secretary-General, her Office would mobilize assistance for that purpose.

106. It was essential that the East Timorese themselves should know that they were being heard and listened to and that those responsible for human rights violations would be identified and punished. The United Nations Transitional Administration in East Timor (UNTAET) had concluded an agreement with the Indonesian Government relating to investigations, the sharing of evidence and eventual extradition. Her Office was working closely with UNTAET on issues related to reconciliation. In presenting the report of the International Commission of Inquiry, the Secretary-General, Mr. Kofi Annan, had stressed the responsibility of the United Nations and the international community for the reconciliation process in East Timor. The international

dimension would help ensure the credibility of the procedure in the eyes of the people of East Timor. That was a heavy responsibility for the Commission, but one which would, if faced successfully, help ensure stability and reconciliation for the peoples of the two countries concerned.

107. Mr. O'FLAHERTY (Office of the United Nations High Commissioner for Human Rights), speaking on behalf of Mr. Lallah, Special Rapporteur, introduced the report on the situation of human rights in Myanmar (E/CN.4/2000/38). Since his appointment in 1996, the Special Rapporteur had still not been authorized by the Government of Myanmar to visit the country.

108. The preceding reports on the situation in Myanmar had focused on civil and political rights, for the denial of the exercise of political rights was the root cause of the violation of all other fundamental rights. The Government and administration of Myanmar continued to monopolize all powers without any answerability to the people and without the will of the people. They exercised power with the help of highly repressive and exceptional laws. The military structure within which the judiciary functioned prevented it from operating in a fair and independent manner and from protecting citizens from violations committed by the administration and the army. It was no wonder that the number of political prisoners and human rights activists still languishing in jail under disproportionately long sentences remained very high.

109. The Government of Myanmar continued to refuse to engage in a genuine dialogue with the National League for Democracy (NLD) and the representatives of the ethnic minorities. Such a dialogue would clearly help to resolve the political stalemate arising from the refusal of the regime to respect the will of the people, as expressed in the general elections held a decade previously.

110. The Special Rapporteur's past reports had dealt with economic, social and cultural rights mainly in the context of forced labour, the closure of universities and the plight of persons relocated by force or living in very difficult conditions in the jungle or in neighbouring countries. The present report showed that economic and social and, to some extent, cultural rights were being extensively violated, since the people had no say of any kind.

111. Throughout the country, food scarcity, high levels of malnutrition and infant and maternal mortality seriously affected the population and that was all the more tragic in a country which was so naturally well endowed. In that connection, assistance by the United Nations system must be coordinated and made available to those most in need. It was also desirable that non-governmental efforts should be harnessed in order to prevent a humanitarian tragedy. The spread of HIV/AIDS was still a matter of serious concern, particularly since young soldiers were away from home for long periods of time.

112. In conclusion, the Special Rapporteur considered that the human rights situation in Myanmar had not developed in a positive way since he had submitted his last report to the Commission. The recommendations he had made then were still valid.

113. Mr. MYA THAN (Observer for Myanmar) said he regretted the fact that, apart from the reference to the resumption of cooperation between the Government of Myanmar and the International Committee of the Red Cross, the report on the human rights situation in Myanmar (E/CN.4/2000/38) was, once again, a litany of false statements based on allegations by anti-Government elements and insurgents and that false conclusions could be drawn from it.

114. The Special Rapporteur had said that there were hunger and food scarcity in Karen, Karenni and Shan states and in the Delta region. It was, however, well known that, far from having a shortage of food, Myanmar was a traditional rice exporter. In fact, the countries of South-East Asia looked on Myanmar as a major source of food security in the region. The Special Rapporteur had also said that "abject poverty" prevailed in the country. According to statistics published by the International Monetary Fund, Myanmar had recorded a regular increase in its gross domestic product in 1996, 1997 and 1998 and those figures gave the lie to the Special Rapporteur's conclusion on the economic situation in Myanmar.

115. The Special Rapporteur painted an entirely negative picture of the implementation by Myanmar of the ILO Forced Labour Convention (No. 29). There was no forced labour in Myanmar. That practice was neither allowed nor condoned. The Ministry of Home Affairs had suspended the relevant provisions of the Village Act and the Towns Act of 1907 in order to bring the legislation into line with Convention No. 29. The Myanmar authorities had also taken other implementation measures to prevent the practice of forced labour. The Special Rapporteur had failed to mention the positive gesture by the Government of Myanmar in the form of an invitation to the Director-General of the ILO to send a technical team to Myanmar to discuss matters of mutual interest, as mentioned in the resolution on Myanmar adopted by the Third Committee at the fifty-fourth session of the General Assembly.

116. Contrary to what the Special Rapporteur had stated with regard to restrictions on freedom of movement, meetings and demonstrations did take place in Myanmar during which citizens expressed their disillusionment with the National League for Democracy.

117. The Special Rapporteur also alleged that citizens were ill-treated on religious grounds. As far as religious tolerance was concerned, however, Myanmar had been praised by foreigners, including the independent expert of the Commission, Mrs. Ogata, during her visit to Myanmar in 1990. Foreigners who visited the country could see for themselves what the situation was like because religious tolerance was not only real, but visible. Four religious buildings representing the four major religions of the world faced one another right in the centre of the capital, Yangon.

118. As to alleged violence against women, he said that Myanmar was one of the countries of the world where the status of women was the best. In some sectors, such as teaching, women outnumbered men. The Special Rapporteur also stated that universities in Myanmar were still closed, but, in fact, they were open and students were pursuing their studies peacefully.

119. In his report, the Special Rapporteur said nothing of the positive achievements of the Government of Myanmar. Any report on the human rights situation in a country must be objective and balanced, but a lack of balance had been the major flaw of the Special Rapporteur's reports on Myanmar. The only positive aspect referred to by the Special Rapporteur had been the above-mentioned cooperation between the Government of Myanmar

and ICRC, but that had been mentioned briefly, and grudgingly, in the conclusion and not in the main body of the report. The Special Rapporteur had not mentioned the achievements made by the State Peace and Development Council since it had come to power in 1988, such as the prevalence of peace and tranquillity throughout the country; the progress being made by the National Convention to formulate basic principles for the adoption of a new constitution, a number of draft texts of which had already been prepared; the consolidation of national unity after 17 armed groups and many smaller groups had returned to the legal fold; and infrastructure-building on an unprecedented scale throughout the country (roads, schools, bridges, etc.).

120. As a result of those concrete achievements, the Government was fulfilling the basic needs of the people in all areas and improving its well-being. In so doing, it was guaranteeing the people's right to development and advancing the enjoyment of its other fundamental rights.

121. The protection and promotion of human rights were a noble goal. However, countries differed. They had different levels of political and economic development and different geopolitical, historical, social and cultural characteristics. It was therefore logical and indeed necessary for each country to take those factors into account as it saw fit. The Government and the people of Myanmar had chosen to do so by building a modern and peaceful democratic State.

The meeting rose at 6 p.m.



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Fifty-sixth session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 March 2000, at 6 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

- (a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

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GE.00-15218 (E)

The meeting was called to order at 6 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2000/7, 10, 26, 28-31, 33-35, 37-43, 45, 101, 113, 115, 116, 119, 121, 127, 129, 130, 139, 141 and 142; E/CN.4/2000/NGO/8, 19, 26, 36, 38, 44, 72-75, 86, 89, 96, 101, 103, 112, 117, 124 and 129-137; A/54/660, A/54/726-S/2000/59 and A/54/727-S/2000/65; S/2000/137)

1. The CHAIRMAN suggested that, as a number of delegations wished to speak in exercise of the right of reply, they should be heard before the general discussion of agenda item 9 was resumed.

2. It was so agreed.

3. Mrs. ABOULNAGA (Observer for Egypt) said that the allegation made at the 17th meeting by the representative of Freedom House that Egyptian Copts had been tortured in Al-Kosheh village in 1998 was entirely untrue. It had been rebutted by the Patriarch of the Orthodox Church in Egypt, who had referred to the event as a common crime having no links with the issue of national unity and had characterized relations between Moslems, Christians and Copts in Egypt as extremely good. The regrettable outbreak of violence in Al-Kosheh in 1998 had had nothing to do with religion. A dispute between a buyer and a seller had unfortunately got out of hand. Immediate action had been taken by the Prosecutor's Office and the people indicted included no religious figures or members of any political group. The Committee against Torture had also reached favourable conclusions after discussing the third periodic report of Egypt in May 1999 and had referred to a reduction in the number of complaints and maltreatment, the creation of a human rights office in the public prosecutor's department to investigate complaints of torture and the compensation awarded to torture victims by the Egyptian civil courts. The new Egyptian law on NGOs, far from restricting their activities, marked considerable progress in assuring their rights and freedoms.

4. Mr. SOMOL (Czech Republic), replying to the statement by the Foreign Minister of Cuba, said that, at the preceding session of the Commission, his delegation had explained the reasons for the initiatives it had taken and had again spoken out on behalf of all Cubans struggling for respect for human rights and individual dignity. Czechs, remembering their own experience under communism, were particularly conscious of the need for solidarity with those not in a position to defend themselves. The Czech Deputy Minister for Foreign Affairs, calumniously described as touring the world and retailing anti-Cuban propaganda, was a former spokesman of Charter 77 and a well-known defender of human rights in his own country. It was not the first time that he had been represented by the propagandists of totalitarian regimes as an agent of somebody else. The Czech Republic was ready to enter into a sincere dialogue with anyone on human rights issues: the Deputy Minister for Foreign Affairs had expressed his willingness to go to Havana, but his request had been refused for unspecified reasons.

5. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) said that the allegations made by the United States representative at the 18th meeting were stale and baseless. They were particularly offensive coming from the representative of a country that set itself up to condemn others when it itself had an appalling human rights record: a large number of criminals and unemployed and poverty-stricken people and endemic discrimination against immigrants and members of other races, including the murder of African Americans. Such behaviour was a flagrant example of politicization and selectivity in the field of human rights.
6. Mr. HUSSAIN (Observer for Iraq), replying to the statement by the representative of Kuwait, said that Kuwait had for nine years taken economic advantage of the embargo imposed by the United States and the United Kingdom, which had prevented Iraq from investing in and working its oil reserves on its border with Kuwait. As to the Kuwaiti complaint about missing or disappeared persons, a tripartite committee of inquiry had been established by Iraq, which actively participated in its work and cooperated in the tracing of files. Visits to the country had also been made in the preceding month by the International Committee of the Red Cross and Iraq, which itself had lost 1,700 people, was ready to continue to work with all the parties concerned.
7. Meanwhile, the United States and the United Kingdom continued day after day to bomb Iraq with Kuwaiti assistance and his Government reserved the right to seek compensation for the damage inflicted and for the losses incurred as a result of the embargo.
8. Mr. MORENO FERNANDEZ (Cuba) said that the statement by the United States Secretary of State contained nothing new - just the old simplistic view of a world divided into good and bad in which the United States had set itself up as supreme judge of the conduct of other nations. The Secretary of State had spoken of democracy and human rights, of which people like Patrick Dorisman, Abner Louima and Amadou Diallo had never had any experience, since they had been brutally murdered. Their only crime was to be black in a country which was racist through and through and in which 2 million people were behind prison bars, 50 per cent of them African Americans, a group that represented only 12 per cent of the population.
9. Having dealt with the metropolis, he wished to say a few words about the colony - the Czech Republic, which was once more expressing its concern over human rights. It appeared to be a nation with an innate propensity to be a satellite, merely changing its orbit as the wind blew. The Czech representative would find it hard to convince anyone who did not lack intelligence or fail to read the papers that he was speaking with his own voice. Little could be expected from a delegation that favoured the United States Secretary of State as its future President. The Czechs would be better employed in solving the problems of their own country, especially the Roma. The Czech Republic and its mentors, who were none other than the United States, should be aware that Cuba knew who the true aggressors were and would continue to defend itself against them.
10. Ms. SIM (United States of America) said that the customary limits of civility, logic and accuracy had been exceeded by the Minister for Foreign Affairs of Cuba and subsequently his delegation in their polemical statements. She hoped that other delegations would join in rejecting the Cuban approach and in working to broaden a universal commitment to human rights and fundamental freedoms. As the United States Secretary of State had said in addressing

the Commission, no nation should feel itself threatened by the Commission's work. Its task was to support the rights of people everywhere to control their own destinies. The standards being applied were universal in nature and deserved the support of all Governments.

11. Mr. RAZZOOQI (Observer for Kuwait), replying to the statement by the representative of Iraq, said that the regime in power in that country was one of the most oppressive and corrupt. As a former Special Rapporteur had pointed out, Iraq remained the country with the highest number of disappearances reported to the Working Group on Enforced or Involuntary Disappearances established by the Commission on Human Rights. As for cooperation with the tripartite commission, he drew attention to a note verbale from the Iraqi Government to the International Committee of the Red Cross stating the Government's refusal to cooperate with that commission. He could promise the representative of Iraq that Kuwait would never abandon its own nationals and those of third countries still held by Iraq as prisoners of war.

12. Mr. AL-MADI (Observer for Saudi Arabia) said that his delegation utterly rejected the statement by the United States representative regarding the situation of women in Saudi Arabia. Like all Moslem countries, Saudi Arabia based its policies on principles in which over 1 billion persons believed. It guaranteed the freedom of women without discrimination and their situation, which was fully compatible with the country's history and tradition, was in a number of respects better than that of women in western countries.

13. Mr. BHATTACHARJEE (India) said that his delegation regretted the unwarranted reference to part of India in the statement made by the representative of Pakistan on behalf of the Organization of the Islamic Conference (OIC). That organization had no *locus standi* to speak about the internal affairs of India. India was in fact home to the second largest Muslim population in the world and it enjoyed traditional ties of friendship and cooperation with the member States of OIC. India's pluralistic society, its constitutional provisions and its history of tolerance gave ample scope to all citizens of whatever religious denomination to live in peace and harmony. It was regrettable that OIC should have allowed itself to be used by a particular country which harboured compulsive hostility and territorial ambitions against India to proclaim opinions not independently shared by the majority of OIC States.

14. Ms. HOANG BICH LIEN (Observer for Viet Nam) said that the allegation by the representative of the World Evangelic Fellowship concerning religious freedom in Viet Nam was groundless. The right to freedom of belief and religion was clearly proclaimed in article 70 of the Constitution and all religions were equal before the law. Places of worship were protected by law and normal religious practices were completely free, as any visitor to Viet Nam could attest. The number of those practising religion had in fact increased over the past 20 years, Christians by nearly twice, up to 5 million, accounting for 7 per cent of the total population, and there were over 15 million Buddhists.

15. Mr. MORENO FERNANDEZ (Cuba), referring to the United States representative's comment that the Minister for Foreign Affairs of Cuba's statement had exceeded the rules of civility, logic and accuracy, said that those were rules that should apply to all speakers. The rules and principles defended by his country were truth, honesty and authenticity; those followed by the United States were based on double standards.

16. Mr. HUSSAIN (Observer for Iraq), speaking in exercise of the right of reply, said that he would be more polite than the representative of Kuwait. Iraq had frequently stated its willingness to cooperate with the International Committee of the Red Cross with regard to missing persons of Iraqi and other nationalities. It was inevitable that, after any war, particularly one involving massive air attacks like those launched against his country, there should be missing persons on all sides. Kuwait had placed its territory and its air space at the disposal of the United States and the United Kingdom to facilitate the bombing of Iraq and Kuwait was responsible for the blockade which prevented Iraq from exploiting the oil of the border region.

17. Mr. LIU Xinsheng (China) said that some delegations had made unwarranted criticisms of the human rights situation in his country. In 1999, the human rights situation in China had shown unprecedented progress, as had been acknowledged by the international community. The Chinese believed that facts spoke louder than words and, in the light of those hard facts, any move to submit an anti-China resolution was doomed to failure.

18. Mr. AKRAM (Pakistan) said that, when the representative of India had mentioned an OIC reference to part of India, he presumably had had in mind Jammu and Kashmir, which was in fact a territory under dispute and was recognized as such by the United Nations. The only claim that India had to possession of that territory was the 700,000 troops stationed in it to hold its Muslim people in bondage. The representative of India had also said that his own was the country with the second largest Muslim population, a statement whose accuracy was doubtful. The BJP at present in power in India believed in the superiority of the Hindu Aryan race and were admirers of the Nazis. They had decided as early as 1964 that Muslims were their principal enemy, with Christians coming a close second. Such people could hardly speak with pride of having a Muslim population when that population was in bondage. It was the hope of his Government that the world would do something for the Muslims of India, but in particular for the people of Jammu and Kashmir.

19. Ms. SIM (United States of America) said that she regretted the confrontational tone taken by the Chinese delegation. The United States did not regard Chinese efforts to improve their human rights situation as harmful to others or as entailing a fight to the finish. The United States applied an international human rights standard, as should all countries, whether developed or developing, democratic or non-democratic. The mistaken attempt by any country to evade human rights scrutiny by advancing a so-called no-action motion would merely damage the effective operation of the Commission.

20. The United States did not seek to be a world judge in the realm of human rights, but believed that the Commission had an obligation to serve that function. The Chinese delegation sought to compare the United States treatment of the Branch Davidian cult with the Chinese treatment of Falun Gong but, whatever one's view of the tragic events in Waco, the fact remained that the Branch Davidians were at present free to express and practise their beliefs as long as they did not promote violence, whereas, in China, Falun Gong had been outlawed. The forthcoming presidential election in the United States had no bearing on her delegation's views of the human rights situation in other countries. Her country's concern with human rights issues was constant and permanent.

21. Mr. RAZZOOQI (Observer for Kuwait) said that the claim by the representative of Iraq that his country was threatened by Kuwait was a gross distortion of history. It was not Kuwait that had launched a war, but Iraq. The representative could manipulate facts as much as he liked in Baghdad, but, in the Commission, it was hard facts that counted, one of which was that Kuwait would never cease its pressure to achieve the release of the 600 or more Kuwaiti prisoners of war held by Iraq, which, as a party to the Geneva Conventions of 1949, should respect its obligations.

22. Mr. LIU Xinsheng (China), replying to comments made by the United States representative, said that the United States, while constantly professing its commitment to the Commission's objectives, had in fact been following an entirely contrary course. Disregarding the notorious problems of racism, discrimination against black people, police brutality and other serious human rights violations that were rife in that country, its delegation had made a series of unwarranted accusations against other countries. That hegemonist approach, which should be firmly rejected by the international community, had found expression in an anti-China draft resolution submitted by the United States delegation at the preceding meeting. Such a gross manifestation of cold war attitudes and double standards was designed to politicize human rights issues. His delegation had already made the point that, if the United States for its part persisted in employing confrontational tactics, it would be met by a similar approach from China. The only way out of that regrettable situation was for the United States to abandon confrontation, which was harmful both to others and to itself.

23. Mr. MERIC (Observer for Turkey), replying to the statement by the European Union, said that respect for the supremacy of law, a pluralistic democracy and human rights were among the values that Turkey shared with the European Union countries. Anyone who remembered the spiral of terror unleashed upon Turkey over the two preceding decades should, however, understand the causes of any deficiencies there might be in that area. Turkey set a unique example of a State launching a programme to improve human rights and protect the fundamental principles of democracy while at the same time fighting against terrorism that threatened those fundamental principles. It was particularly disturbing to hear unfair criticism expressed while consultations were actively proceeding between the European Union and Turkey with a view to encouraging Turkey's efforts to comply with the Copenhagen criteria.

24. Mr. MENDIS (Sri Lanka), replying to comments made by the representative of International Education Development at the 17th meeting, said that the highly reprehensible killing of a prominent Sri Lankan lawyer had been used, on the basis of a simple typographical error in a letter, as grounds for wild allegations against his country and its elected President. Sri Lanka was a party to the International Covenant on Civil and Political Rights and its Optional Protocol and challenged that organization or the group it represented to lodge a complaint under the agreed procedure and face judicial scrutiny. The same organization had circulated a document in 1997, having fraudulently obtained the signatures of several unsuspecting organizations, in support of a terrorist group responsible for killing the well-known human rights defender, Dr. Neelan Thiuchelvan, a murder condemned by the Sub-Commission on the Promotion and Protection of Human Rights. The group had been condemned by the European Union at the Commission's 17th meeting for terrorist acts and the use of child soldiers. His delegation nevertheless recognized the valuable work and welcomed the constructive criticism of responsible NGOs, with which it would continue to cooperate.

25. Mr. ABEBE (Observer for Ethiopia) said that his delegation had been disappointed by the European Union statement, which treated the aggressor Eritrean regime and Ethiopia, its victim, on an equal footing. The European Union should continue to support the efforts of the Organization for African Unity to resolve the crisis triggered by Eritrean aggression, including its Peace Plan, which called on Eritrea to withdraw from all territories occupied by force since 6 May 1998.

26. The difficult decision of asking some Eritrean nationals involved in illegal activities to leave the country had been imposed on the Ethiopian Government by Eritrean attempts to organize them against Ethiopia.

27. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission agreed to the request by the representative of the International Labour Organization for permission to make a short supplementary statement prompted by the reference by the representative of Myanmar to the ILO Convention on Forced Labour.

28. It was so agreed.

29. Mr. KERN (International Labour Organization), referring to the statement by the representative of Myanmar concerning the observance by his country of the ILO Forced Labour Convention, 1930 (No. 29), said that, on 28 March 2000, the ILO Governing Body had adopted, a resolution (GB.277/6 (Add.1)), noting that the Government of Myanmar had not so far complied with the recommendations of the Commission of Inquiry established to examine the observance of the Convention, "despite the disapproval that the gravity of the Government's failure to act must inspire ... and the imperative need to put an end to that situation by any appropriate means as soon as possible". The resolution went on to recommend to the International Labour Conference, meeting at its eighty-eighth session (May-June 2000), that it should adopt measures that might include inviting the Director-General to request the Economic and Social Council to place an item on the agenda of its July 2000 session concerning the failure of Myanmar to implement the recommendations contained in the report of the Commission of Inquiry.

30. Mr. HYNES (Canada) said that, in order to fulfil its human rights mandate, the United Nations was increasingly focusing on preventive measures, but effective prevention and protection could ultimately be achieved only when Governments ceased ignoring international standards, a goal which was far from being achieved. In Myanmar, although the International Committee of the Red Cross had been allowed access to prisoners, dialogue with the democracy movement and minority groups continued to be rejected. In Iraq, widespread human rights abuses persisted and Canada hoped that dialogue and cooperation could be established with the Commission's new Special Rapporteur. In the Democratic People's Republic of Korea, people continued to be denied their economic, social and cultural rights and it was to be hoped that cooperation with the international community in the distribution of humanitarian aid would lead to broader change in Government policy.

31. With regard to the situation in Chechnya, while Russia had an unquestionable right to combat terrorism, there was ample evidence of human rights abuses on both sides of the conflict and the report on the forthcoming visit by the High-Commissioner for Human Rights to the

region must be anxiously awaited. Canada actively supported the Igad peace process in Sudan, which offered the prospect of an end to the indiscriminate bombing campaign and the flouting of humanitarian law by Government forces. Despite some improvements in the access of women and girls in Afghanistan to education and medical care, the denial of their most basic rights remained endemic. In the Great Lakes region of Africa, gross violations of human rights were an everyday occurrence. Canada condemned the attacks on United Nations humanitarian staff and civilians in the Democratic Republic of the Congo and the Government of Burundi's regroupment camps. In Sri Lanka, both the Government and the LTTE continued to violate human rights and Canada was concerned that violations by the security forces were still benefiting from apparent impunity. Despite the deteriorating situation in Colombia, the Government's efforts to reach a negotiated settlement were to be applauded.

32. Full cooperation by the Belgrade authorities with the International Tribunal was essential if the dismal human rights situation in the Federal Republic of Yugoslavia was to be redressed. In Kosovo, no enduring peace could be achieved until all inhabitants, regardless of ethnicity, enjoyed security and access to humanitarian assistance and essential public services. Six months after the military coup in Pakistan, there had been little evidence of action to fulfil the stated commitments to human rights and reform. The number of human rights violations in Sierra Leone had diminished since the deployment of UNAMSIL, whose human rights section deserved commendation. While the results of the February elections in Iran had held out hopes for progress on human rights, continuing discrimination, including death sentences, against Baha'is and the arrest of some Iranian Jews gave grounds for concern. Much more progress was also required on women's rights. Canada applauded the cooperation of the people of East Timor with the United Nations Transitional Administration. While welcoming the new Indonesian Government's pledge to prosecute those responsible for past violations in Aceh and East Timor, Canada was deeply concerned by the continuing violence in Aceh and Maluku and about the plight of 600,000 internally displaced persons. It encouraged Haiti to use the new United Nations International Civilian Support Mission in Haiti and all other tools at its disposal to deal with human rights abuses, impunity, prison conditions and justice reform. The Haitian authorities should set an electoral calendar so that legislative and local elections might take place well before the presidential elections scheduled for the end of 2000.

33. China was continuing its economic reforms and legal modernization, but there had been a marked upturn in violations of human rights, including of religious freedom in Tibet. His Government urged China to pursue genuine reform in all those areas, including through the ratification and implementation of the International Covenants it had recently signed to widespread acclaim. In Cuba, there had been no significant progress on human rights and the people of that country surely deserved the freedom of political expression of which its representatives in the United Nations took such effective advantage.

34. Mr. MAMBA (Swaziland) said that his delegation reiterated its appreciation for the work done by the Special Rapporteurs and Special Representatives in investigating alleged human rights violations. In its important task of promoting and encouraging respect for human rights, the Commission must seek to create an environment favouring dialogue rather than confrontation. Better results could be achieved by adhering to the principles of universality,

objectivity and non-selectivity and avoiding the politicization of issues. Assistance in the human rights field, as in other fields, should be given at the request of the country concerned and not imposed.

35. Swaziland was fortunate in enjoying a culture and tradition of peace and stability. It was a nation with a small population, undivided by ethnicity and language and what internal differences there were could be resolved on a basis of open dialogue and mutual tolerance. It believed that, to be sustainable, a political system had to be consonant with the history, traditions and level of cultural and economic development attained. An example of the broad consultations that took place before the adoption of political and economic policies in his country was afforded by the current process of constitutional review and by the formulation of a national development strategy that had preceded it. His country was not complacent and acknowledged that there were still areas in which there was room for further improvements. It believed that sovereign States should be allowed to determine their internal political mechanisms with respect for the principles of accountability, transparency and popular participation and to set their own pace of socio-political development.

36. Mr. PALIHAKKARA (Sri Lanka) said that Sri Lanka had continued to discharge its commitments as a party to 14 international human rights instruments, including the Optional Protocol to the International Covenant on Civil and Political Rights, under which it would soon be commencing a dialogue with the Human Rights Committee. There had been free interaction between all sections of Sri Lankan society and the Working Group on Enforced or Involuntary Disappearances, which had had unrestricted access to all parts of the country during its visit in late 1999. The Group's report recognized that, while there were residual problems, alleged offenders had been prosecuted and substantiated allegations of disappearances had virtually ceased. A human rights treaty body would be invited to visit Sri Lanka in the course of the current year and his Government would be submitting its periodic reports to the relevant bodies.

37. The Sri Lankan National Human Rights Commission had been reconstituted after three years of operation and planned to expand and intensify its work, aided by an increased budgetary allocation. It continued to promote networking arrangements with similar institutions at the sub-regional and regional levels and had hosted an important meeting of the Asia/Pacific Forum in Kandy, to the success of which Sri Lankan NGOs and the substantive and administrative support of the Office of the High Commissioner for Human Rights had made a valuable contribution.

38. Information had been made available to the participants in the Commission's current session about the Government's efforts to prosecute identified human rights offenders and humanitarian assistance for people in areas affected by terrorism, although a substantial part of the free food supply was unfortunately being siphoned off by the LTTE.

39. The Government continued its efforts to find a political solution to the ethnic issues in Sri Lanka in the face of the continued indiscriminate terror of the LTTE, which was the only Tamil group that had remained outside the democratic political process. The Government hoped that a consensus on constitutional forms, providing for an unprecedented devolution of power, would shortly be available as a framework for the negotiation of a political solution. In that connection, the international community had a vital role to play by giving practical effect to the

International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly in 1999. The Sri Lankan electorate had recently reaffirmed its support for the Government's policy of achieving a negotiated peace and terrorism, however ruthless, should not be allowed to reverse that process.

40. Mr. JAKUBOWSKI (Poland) said that the international community had made significant progress in the past few decades in promoting human rights. The community of democratic States at present constituted a majority in the international family of nations, as many countries, including his own, had liberated themselves from various forms of undemocratic and totalitarian rule. And under the auspices of the United Nations and many regional organizations, an impressive body of human rights standards had been established and accepted by a clear majority of States.

41. On the other hand, internationally recognized obligations were still far from fully implemented, and that pointed to the urgent need for the effective functioning of human rights mechanisms, substantial progress towards which could be achieved by dialogue, cooperation and technical assistance. Meanwhile, the international community had the duty to act firmly to stop gross violations of human rights. Although its history made it particularly sensitive on the question of sovereignty, his country was in full agreement with the Secretary-General's view that no State had the right to hide violations of human rights behind the principle of State sovereignty. Poland also shared the view of the United Nations High Commissioner for Human Rights that the capacity for conflict prevention should be developed.

42. Mrs. NASCIMBENE DE DUMONT (Argentina) said that the solution of the Cyprus problem must be based on respect for the sovereignty, independence and integrity of its territory through the establishment of a federation ensuring the political equality of both communities and excluding any possibility of union, whether general or partial, with any State and any form of partition or secession, as recommended by Security Council resolutions. The high level of military presence and sophisticated weaponry and the lack of progress in reducing the number of foreign troops were complicating political negotiations.

43. The Secretary-General's good offices mission and the humanitarian work being carried out by UNFICYP, in which Argentina had been participating since 1993, were making valuable contributions by relieving tension and establishing contacts between the parties.

44. Her delegation noted the reactivation of the Committee on Disappeared Persons and emphasized once again how important it was to clarify their fate as soon as possible.

45. The Commission should call once more for full restoration of all human rights in Cyprus, especially freedom of movement, free choice of residence and property rights.

46. Mr. TEKLE (Observer for Eritrea) said that his delegation wished to draw the Commission's attention to the plight of Eritreans and Ethiopians of Eritrean origin whose human rights were being systematically and brutally violated by the Ethiopian Government. That had been possible only because the relevant United Nations mechanisms, including the Commission, had preferred to remain silent, except on one occasion, in the face of those blatant violations. Ethiopia had expelled some 70,000 Eritreans who posed no threat to its security and had

conducted a programme of denationalization and ethnic cleansing on the spurious grounds that its victims had chosen to forfeit their Ethiopian citizenship by carrying cards certifying their Eritrean parentage. The deplorable conditions of deportation had been vividly attested, for example, in the 1999 reports of Amnesty International and Human Rights Watch, as well as in the United States Department of State report of 25 February 2000. The counter charges of violations of the human rights of Ethiopians resident in Eritrea had been refuted by the same reports. It was particularly outrageous that Ethiopia did not deny its actions against Eritreans, merely claiming the absolute right to deport any aliens incurring its disfavour.

47. Mr. OGURTSOV (Observer for Belarus) said that his country was actively participating in the task of uniting the efforts of all States in overcoming the underlying causes of failure to respect human rights, such as hunger, poverty, social insecurity and armed conflicts. Belarus was opposed to the politicization of human rights questions and its approach to them was based on respect for the sovereignty and territorial integrity of States and the rejection of selectivity and double standards. It believed that the Commission should focus attention not only on the evaluation of situations, but on the provision of concrete assistance in the constructive search for solutions and the adoption of preventive measures.

48. A national programme of activities for the protection of the rights and freedoms of citizens in a civil society was currently being drawn up in Belarus and a national plan for the expansion of human rights education for the period 1999-2004 had been adopted. The new Penal Code and Code of Criminal Procedure adopted in 1999 strengthened the independence of the courts and new legislation in that field took account of the experience and standards of the United Nations and European regional organizations. The firm resolve of Belarus to build an open, democratic society was reflected in the action programme outlined by its delegation to the fifty-first session of the Sub-Commission. Work was also proceeding on the completion of internal procedures for the withdrawal of a reservation to article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. An official invitation had also been issued to the Special Rapporteur on the independence of the judiciary and defence to visit the country in June 2000.

49. The President of Belarus had affirmed the Government's resolve to ensure that the parliamentary elections in the coming autumn were conducted in complete accord with international standards, as embodied in a new electoral code drafted in close cooperation with the Organization for Security and Cooperation in Europe and the Council of Europe. Political parties in Belarus were given facilities to present their policies to the electorate through both private and State media. There were currently a large number of periodicals published throughout the country including those established by political parties.

50. Mr. NASR (Observer for Lebanon) said that, despite Security Council resolution 425 (1978), grave violations of human rights were still being committed by Israel in southern Lebanon and the Bihār valley. Repeated bombing raids and a maritime blockade were destroying the infrastructure of the region and inflicting grave hardship on children and elderly people. The Israeli claim that its occupation and military action were directed against Lebanese forces was without foundation. The resistance offered to Israeli troops was a consequence of the occupation of Lebanese territory and in accordance with the internationally recognized right of resistance. Only if Israel applied Security Council resolution 425 (1978) could a just and lasting

peace be achieved. Currently, however, when Israeli officials spoke of a withdrawal from the occupied areas, they did not refer to a withdrawal to international boundaries and seemed rather to be merely referring to a redeployment of Israeli forces. The detention camps maintained by Israel, in which detainees were deprived of health services and suffered from malnutrition and torture, were an insult to mankind at the outset of the twenty-first century. Israel's indifference to the strictures of the international community called for the application of pressure to obtain the release of all Lebanese prisoners, many of whom were being held, against all international principles, as bargaining chips in negotiations.

51. Mr. EFTYCHIOU (Observer for Cyprus) said that the disturbing gap between the signing of conventions by States and the respect they showed for the obligations they had freely undertaken, was only too evident with regard to the question of human rights in Cyprus, which had been before the Commission for 25 years. Thirteen years after the adoption of resolution 1987/50 calling for the full restoration of all human rights to the population of Cyprus, in particular the refugees; for the tracing of missing persons; and for the restoration of freedom of movement, settlement and the right to property and 26 years after the Turkish invasion of Cyprus, no progress had been achieved. The Secretary-General's efforts to find a just and viable solution had not so far proved successful, owing in the words of one of the Secretary-General's reports, to "a lack of political will on the Turkish side". Turkey continued to maintain 35,000 fully armed troops in the occupied territory; not one of the 200,000 persons forcibly displaced in 1974 had been permitted to return, the distress of the families of the missing persisted; and the destruction of Cyprus' cultural heritage - with the exception of the Apostolos Andreas monastery - continued unabated; and, although the original Turkish Cypriot community had shrunk from approximately 120,000 to 60,000, Turkey had, in contravention of the Fourth Geneva Convention, implanted more than 100,000 of its own citizens as colonists.

52. All those violations were continuing despite the peremptory norms of international law and in contravention of numerous United Nations resolutions, all emanating from organizations of which Turkey was a member and a Convention to which it was a party. Turkey must abandon its intransigence and cooperate constructively in efforts to achieve a final solution on the basis of United Nations resolutions and in line with existing high-level agreements between the two sides, providing for a bicomunal and bizonal federation with a single sovereignty and international personality and a single citizenship with its independence and territorial integrity safeguarded.

53. Mr. FARRELL (Observer for New Zealand) said that, although there had been an encouraging extension of respect for human rights and democracy across the globe, practice still fell shockingly short of rhetoric.

54. There had been significant progress towards the securing of human rights in East Timor since the deployment in 1999 of an international peacekeeping force and efforts were being made by Indonesia and the United Nations Transitional Administration in East Timor to bring to justice those responsible for past violations. Armed militia actions in West and East Timor, however, and reports of Indonesian military involvement in them were still matters of concern. The remaining refugees wishing to return to East Timor should be allowed to do so promptly, and those residing in camps on the West Timor border resettled either in East Timor or in Indonesia.

55. While Russia's need to combat terrorism was understandable, there had been a disproportionate use of force in the military campaign and reports of serious violations of human abuses in Chechnya. He joined with other members of the international community in urging Russia to investigate all alleged violations in cooperation with international representatives and welcomed Russia's agreement to allow access to Chechnya by the United Nations High Commissioner for Human Rights and representatives from the Organization for Security and Cooperation in Europe and the Council of Europe.

56. His Government recognized China's continuing efforts to promote economic, social and cultural rights, but was concerned about continued violations of basic international standards in a number of areas, including freedom of association and expression. China should be encouraged to ratify the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights. With regard to Tibet, his delegation urged China to enter into dialogue with the Dalai Lama and consider ways in which the Tibetan people might be able to express their identity more fully.

57. In Iraq, there was disturbing evidence of continuing, systematic violations of human rights, including summary and extrajudicial executions, the oppression of minority Kurds and the violation of the rights of children. His delegation also deplored the Government's refusal to allow the Special Rapporteur access and to accede to requests by United Nations agencies for the admission of human rights monitors. New Zealand welcomed efforts to improve the effectiveness of the Oil-for-Food Programme and supported the streamlining of sanction procedures to facilitate the flow of goods into Iraq. Sanctions should not impose undue hardships on the civilian population, but should target the Iraqi Government with the aim of eliminating weapons of mass destruction.

58. In Myanmar, where serious violations of human rights continued, progress would be impossible in the absence of a genuine political dialogue between the military authorities and the opposition. While the Cambodian authorities' desire to pursue reconciliation and accountability was understandable, the issue of human rights violations by the Khmer Rouge remained to be addressed. It was to be hoped that recent political developments in Iran would result in the strengthening of civil society, but the treatment of religious minorities continued to be a matter of concern.

59. New Zealand continued to be concerned about the continuing conflict between ethnic groups in Kosovo and about the attacks against Serb and other minorities. The imprisonment of ethnic Albanians in Serbia on political grounds was also a clear abuse of human rights. New Zealand strongly supported the work of the International Criminal Tribunal for the former Yugoslavia.

60. The urgent efforts of humanitarian agencies to bring relief to the thousands of displaced persons in various parts of Africa, particularly Sierra Leone, where New Zealand had two Defence Force Officers serving as observers in UNAMSIL, the Great Lakes region, including the Democratic Republic of the Congo, and Nigeria deserved full support. His Government also welcomed the Security Council's decision to set up the United Nations Mission in the Democratic Republic of the Congo (MONUC) and extend its size and mandate.

61. There had been encouraging progress by countries in the Asia Pacific region to promote regional human rights arrangements and he welcomed the recent establishment of a national human rights commission in Fiji.

62. Mr. HADZIMUSIC (Observer for Bosnia and Herzegovina) said that, since the cessation of hostilities and the signing of the Dayton Peace Agreement, the process of reconstruction in his country had been moving in a positive direction. Both entities in the Government were involved in programmes of social, economic, political, security and stabilization issues and the impending entry of the country into the Council of Europe had been placed uppermost among its foreign policy priorities. Members of the Presidency had signed the New York Declaration at the close of 1999, harmonizing their positions on many important issues, and significant progress had been made in the reorganization and reform of the police forces, which were becoming more multi-ethnic. Despite the declared commitment of all political parties to the Dayton Agreement, progress in ensuring the return of refugees and displaced persons remained slow and unsatisfactory. The principal obstacles were lack of security, unemployment and disrespect of property laws. The few cases of violence directed at returnees were also cause for serious concern to both entities. The international community should insist on the implementation of the relevant Security Council resolution and it was essential to accelerate the process of apprehending all those indicted for war crimes. International donors' efforts had made a valuable contribution to the reconstruction of schools, hospitals and other important facilities, such as electric grids and numerous bridges and roads.

63. Economic problems nevertheless continued to be serious and could not be solved without such measures as privatization and the attraction of foreign investment. Some progress had been made in tracing missing persons, but the fate of 20,195 was still unknown. Landmines were still constantly claiming victims and slowing down the return of refugees and displaced persons. There were many national organizations engaged in the advancement of human rights and particular attention had been given to the training of experts in that field. His Government greatly appreciated the international assistance received, including the efforts of the Special Rapporteur. Such assistance was indispensable, particularly concerning the regional approach to the return of refugees and displaced persons. Much was also to be hoped from the Security Pact for South-East Europe, through which the harmonization of legislation, the establishment of protection mechanisms for human rights and the establishment of the rule of law could be best promoted.

64. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that the slogan of the Iranian people at the time of their revolution had been "Independence, freedom, Islamic Republic". In the first decade, the main objective had been preservation of the political independence and territorial integrity of the country. Since the beginning of the second decade, the Government and people had set out on the path of strengthening fundamental freedoms and the Islamic Republic. The results of presidential and parliamentary elections reflected an indigenous evolution resting on a solid basis of grass roots support.

65. His Government's efforts during the past year to strengthen human rights and consolidate democracy were evidenced in a number of achievements: nationwide elections to local councils had been held for the first time and the sixth round of parliamentary elections, held in February 2000 with the participation of approximately 110 parties and associations and the

greatly increased participation of female candidates, had attracted a turn-out of more than 70 per cent of eligible voters; commitment to the rule of law had been demonstrated by the trial in open court of the former Chief of Police of Tehran, and the arrest of the Deputy Intelligence Minister; many new human rights organizations, including NGOs, had been established; a high-level council to ensure the full implementation of the Constitution had been also established and the Islamic Human Rights Commission's charter had been amended and provision made for the inclusion of NGOs; the judiciary had continued its efforts to strengthen the rule of law, to review and reform current laws and to ensure due process in the administration of justice; a technical team from the Office of the High Commissioner for Human Rights had been invited to visit Iran and assess technical assistance needs in the field of human rights; the policy of mainstreaming women had continued to be vigorously pursued in national planning in the field of education, culture, health, social welfare and employment and over half the students enrolled in universities were women, who were also gradually taking over more and more high-ranking posts in the judiciary and in the executive branch; significant progress had been made in promoting freedom of expression, of the press and of association; and the Council of Expediency had approved new rules affirming the equality before the law of all Iranian citizens, including those not among the followers of the four constitutionally recognized religions, regardless of race, language and ethnicity.

66. In view of the continued improvements in the human rights situation in Iran, its continued inclusion in the Commission's agenda had no basis and would send the Government and people a negative signal. He was certain that further marked improvements in the political system, including the strengthening of democratic institutions, would shortly become apparent and he urged all those with a deep interest in Iran, including Governments, to view its situation realistically and encourage those dynamic developments to proceed.

67. Mr. NSEIR (Observer for the Syrian Arab Republic) said that Israel's continued occupation of southern Lebanon and the Western Bihar in flagrant violation of the principles of international law, the Universal Declaration of Human Rights and Security Council resolution 425 (1978), was accompanied by daily bombing that deliberately targeted schools, clinics and essential parts of the infrastructure of Lebanon. The result had been the death and injury of many innocent civilians, the displacement of thousands of families and the destruction of homes and property. His delegation urged the Commission to condemn such practices and to call on Israel to allow the International Committee of the Red Cross to visit detainees and to allow access to them by their families. All Israel's claims to seek peace were spurious and belied by its actions on the ground. If it was sincere, it would have to withdraw completely from South Lebanon, the Western Bihar and the Syrian Golan.

68. His delegation expressed its regret that the statement made on behalf of the European Union should have quoted stale allegations of human rights violations in Syria, that had been often rebutted.

69. Mr. NAZARIAN (Observer for Armenia) said that his delegation was concerned by the lack of progress in resolving the grave problems caused by the human rights situation in Cyprus and it associated itself with others that had called for the restoration of the fundamental human

rights not only of Greek Cypriots, but also of Maronites, Armenians and other minorities, and the preservation of their cultural heritage, which was being plundered and destroyed, as in the case of the Saint Makar Armenian Monastery.

70. General Assembly resolution 32/130 stressed the urgency of finding solutions to gross and flagrant violations of human rights, in which connection he emphasized the importance of the timely identification of those responsible, whether Governments or individuals. Experience had shown that impunity led to the repetition of such crimes. He therefore particularly welcomed the Commission's initiatives to create effective legal mechanisms to achieve those objectives and supported the spirit of General Assembly resolution 37/200 requesting the Commission to continue its efforts to improve the capacity of the United Nations system in that regard.

71. As a country in transition, Armenia was sparing no effort to build a new society governed by the rule of law and based on unconditional respect for human rights.

72. Mr. KRISAFI (Observer for Albania) said that his delegation had been surprised by the highly politicized statement made at the 14th meeting by the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (E/CN.4/2000/39). In saying that the situation in Kosovo was worse than it had been a year previously, he had been forgetting the expulsion of over 1 million Albanians, many across the mountains, the deaths of over 10,000, the imprisonment and torture of several thousand more and the tens of thousands of houses burnt down or destroyed. His statement had been in stark contrast with the objective reports of the High Commissioner for Human Rights. It was outrageous that the current tragic situation of the Kosovar people should be regarded as entirely normal and that a return to that condition should be expected in the brief period of eight months since they had come back to their homes to find them in ruins and their loved ones dead. That same people, now so harshly criticized had preserved an exemplarily pacific attitude throughout the preceding 10 years that had been "rewarded" by the expulsions and massacres inflicted on it by the Milosevic regime. Concern for the protection of the rights of the Serb minority should not distract attention from the fact that criminals were still at liberty and in positions of power. It was the international community, of which the Special Rapporteur spoke so condescendingly, that had defeated Milosevic and made it possible for the survivors of Albanian families to set about building a new life in their country. The Special Rapporteur and others like him should, rather, have seen that defeat as a victory for the international community over State crime. That was why Albanians were profoundly grateful to it and to KFOR assistance in the re-establishment of normality. The proper target for the Special Rapporteur's aversion would have been Milosevic, the pitiful and isolated tyrant of the Balkans.

73. His delegation reaffirmed its opposition to the lifting of sanctions against Serbia, as recommended by the Special Rapporteur. The fiction of a "Greater Albania" had been concocted by the Belgrade leadership in an attempt to divert attention from those really responsible for the problems of the region.

74. Mr. KARAİTIDIS (Observer for Greece) said that, 25 years after the Commission had adopted its first resolution on Cyprus, the deplorable human rights situation there was still unremedied. Notwithstanding all relevant Security Council resolutions, 37 per cent of Cyprus

territory remained under Turkish occupation and nearly 200,000 refugees were denied the right to return to their homes. Of the 20,000 Cypriots and Maronites who had chosen in 1974 to stay in the area occupied by Turkey, only about 600 remained. In an effort to alter the demographic balance of the island, over 100,000 Turkish settlers had been illegally implanted in occupied Cyprus, while the genuine Turkish Cypriot population, forced to emigrate because of conditions prevailing in the north, was constantly decreasing. The cultural heritage of the occupied areas was also being systematically destroyed, particularly Christian churches and other monuments.

75. Nevertheless, some prospect of hope had been opened up by the recent rounds of intercommunal talks in New York and Geneva and it was encouraging that, in recent resolutions, the Security Council had reaffirmed that the status quo was unacceptable. He repeated that Greece would continue to support the efforts of the Secretary-General for a just solution of the Cyprus problem which would ensure peace and security and respect for human rights in a free and united Cyprus.

76. Mr. VAHABZADA (Observer for Azerbaijan) said that the war being waged against Azerbaijan by its neighbour State was an illustration of the increasingly common violation of human rights by States, including threats to the sovereignty and territorial integrity of independent countries. Since the resettlement of Armenians in Transcaucasia in the first half of the nineteenth century, genocide inspired by dreams of a "Greater Armenia" had been repeatedly committed against the Azerbaijani people. The winter of 1988 had witnessed a further escalation of ethnic cleansing which had been approved by the Armenian authorities, and during which the last 200,000 Azerbaijanis had been deported with many deaths, particularly of children, women and elderly people.

77. The prologue to armed aggression against Azerbaijan had been the anti-constitutional acts of separatist groups supported by Armenia, whose Parliament had, on 1 December 1989, adopted a resolution "on the reunification of Armenia and Nagorny Karabakh". Since 1992, when Armenian forces had seized the town of Khojaly, 20 per cent of the total territory of Azerbaijan had been under military occupation and there had been an influx of about 1 million refugees into the remaining Azerbaijani territory - an occupation that had been condemned by four Security Council resolutions calling for the withdrawal of all occupying forces. His Government called on the international community to promote peace negotiations more actively as a basis for the progressive development of the States of the Southern Caucasian region.

78. Mr. DRAGANOV (Observer for Bulgaria) said that, despite repeated attempts to resolve the issue on a bilateral basis, the grievances of the Bulgarian national minority in the Federal Republic of Yugoslavia, particularly in the southern region of Serbia, had found no adequate solution. Bulgarian national minority leaders had been drafted into the Yugoslav army and constant pressure and intimidation aimed at the assimilation of the minority had restricted the exercise of its constitutionally guaranteed rights, such as the use of the mother tongue and manifestations of cultural identity. Contacts of the minority with Bulgaria were also being hampered and humanitarian relief blocked. His delegation believed that the international community should be actively involved in the solution of those problems as a contribution to the building of tolerance and mutual trust among the national minorities of the Federal Republic of Yugoslavia, which were essential to the future democratization and prosperity of the country and of the region as a whole.

79. Mr. MORA SECADE (Centro de Estudios Europeos) said that agenda item 9 was a clear example of the selectivity affecting the Commission's work. The country-by-country analysis focused exclusively on problems of civil and political rights and fundamental liberties while ignoring the responsibility of colonizers and neo-colonialists and shifting all responsibility on to those at present in power. The interdependence of human rights was overlooked and economic, social and cultural rights neglected.

80. Agenda item 9 was in fact being used to put pressure on countries of the South: for the purpose of obtaining political and economic advantages and to justify policies that violated international law, as in the case of the draft resolution on Cuba submitted by the delegation of the Czech Republic - which would be better occupied dealing with racism and xenophobia in its own country against the Roma. The appointment of a Special Rapporteur was not the way to achieve closer cooperation between the Cuban Government and the Commission, which could be based only on respect for Cuban self-determination and sovereignty. When the American blockade was condemned and a Special Rapporteur appointed to investigate the human and material damage suffered by the Cuban people, then and only then would it be possible to win credibility with the Cuban people. Cuba would never give up the right to defend itself. In view of the previous year's report by Amnesty International on the deplorable human rights situation in the United States, which was one of the countries that had signed and ratified the smallest number of human rights conventions and agreements, as could be seen from document E/CN.4/2000/NGO/86 submitted by the American Association of Jurists, would it not be reasonable to ask for the appointment of a special rapporteur to assess the situation in that country?

81. Ms. BONINO (Transnational Radical Party) drew the Commission's attention to grave and systematic violations of civil and political rights in Italy, which had been repeatedly censured by the Council of Europe for infringements of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Even more serious was the threat to the exercise of the fundamental right to information and of democratic voting rights. Free competition did not exist in either the private or public sector of the Italian media. As to the electoral system itself, the rules governing the presentation of candidates were violated with impunity, the existing legislative jungle being so complicated that it obliged candidates either to give up standing for election or to resort to fraud.

82. Her party called on the Commission to investigate violations in Italy of international human rights commitments and to impose appropriate sanctions. The Italian situation should also be placed on the agenda for discussion by the Sub-Commission and by the Commission itself in accordance with the procedure established by Economic and Social Council resolution 1235 (XLII).

83. Mr. TIN MAUNG AYE (Observer for Myanmar) said that it was most regrettable that the 277th session of the ILO Governing Body had adopted recommendations for submission to the 88th International Labour Conference on drastic measures to be taken against Myanmar under article 33 of the ILO Constitution. That action was entirely unjust and unreasonable and any activities that might follow from it were totally unacceptable to his Government. It was

heartening to note that a number of countries, including ASEAN members, had expressed their reservations, taking the view that, instead of criticizing and trying to isolate Myanmar, the door should be kept open for a satisfactory resolution of the issue.

84. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his delegation categorically rejected the allegations made by the representative of Canada, which were simply a repetition of familiar and unwarranted accusations without relevance to human rights. They were a clear example of the application of double standards incompatible with the principles of international human rights cooperation. Canada had intentionally distorted realities and taken sides with hostile forces seeking to defame the Democratic People's Republic of Korea. He called on the Canadian delegation to cease such acts of the politicization of human rights and to conform to the principles of objectivity and impartiality.

85. Mr. NEGROTTO CAMBIASO (Italy), replying to comments made by the representative of the Transnational Radical Party and referring to pre-election procedures and the right of access to the media, said that his delegation would shortly be making available to participants in the Commission's session comprehensive documentation covering the issues raised. It would include the relevant legislative texts and enable all interested persons to make an unbiased evaluation of the allegations against Italy.

86. As to the point that had been raised about relations with the Council of Europe, his Government was currently engaged in introducing measures to shorten the duration of court proceedings. They included the unification of the role of judges; the creation of specific departments to eliminate pending procedures, previously regulated by the civil procedural code; the employment of justices of the peace, whose number already exceeded 12,500; the reform of the penal law for minor offences, including attributing criminal jurisdiction to justices of the peace; and the introduction of a bill providing for internal sanctions to remedy infringements of the right to trial within a reasonable period of time.

The meeting rose at 9.15 p.m.